Proceedings of the Third Session of the First Assam Legislative Assembly, assembled under the provisions of the Government of India Act, 1935

The Assembly met at the Assembly Chamber, Shillong, at 11 a.m. on Wednesday, the 8th December, 1937

PANEL OF CHAIRMEN

THE HON'BLE THE SPEAKER: I nominate the following gentlemen to constitute the Panel of Chairmen for this session of the Assembly:

1. Srijut Lakshesvar Barooah,
2. Khan Bahadur Maulavi Keramat Ali.
3. Mr. W. Fleming.
4. Mr. C. Goldsmith.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Amendment of the Assam Municipal Act, 1923

MAULAVI MUHAMMAD AMJAD ALI asked:

*1. Will Government be pleased to state—

(*a*) When section 59(1) (*j*) of the Assam Municipal Act, 1923, was amended?

(*b*) What was the reason for amending the said section?

(*c*) Whether any rule as contemplated by the said amendment has been prescribed by Government since then?

(*d*) If not, why not?

*2. Do Government propose to prescribe the necessary rules now?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

1. (*a*)—In 1931. By the Assam Municipal (Amendment) Act, Act IV of 1931.

(*b*)—Because the previous section only permitted a Board to levy such fees if the ghat was constructed and maintained by the Board or if the ghat was connected with the Municipal Road system by a road maintained by the Board. As certain cases occurred in which Municipal Boards wished to levy such fees but were unable to do so owing to the wording of the old section the amendment was introduced in order to meet these difficulties.

Go

(*c*)—No.

(*d*)—The matter was considered several times by the previous Government but was postponed owing to trade depression and later to the difficulty actually experienced in framing suitable rules.

MAULAVI MUHAMMAD AMJAD ALI: May I know the nature of the difficulties experienced by the last Government regarding the framing of these rules ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have not looked into this matter, but I think the difficulty was found in fixing the taxation.

MAULAVI GHYASUDDIN AHMED: Has the Hon'ble Minister got any resolution from the Municipality to the effect that the steamers should also be taxed ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not remember. If the Municipality has sent us an advance copy then we must have got it, but if it has been sent officially, it will have to come through the Deputy Commissioner and the Commissioner, and we may not have got it yet.

MAULAVI MUHAMMAD AMJAD ALI: What is the present position ? Is it a fact that at present only boats are being taxed and not steamers ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Steamers are not taxed at present.

MAULAVI MUHAMMAD AMJAD ALI: May I know the reason ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I cannot say. It is for the Municipal Boards to take the initiative in this matter I think. Under the present law I think rules are to be framed first.

MAULAVI MUHAMMAD AMJAD ALI: What is the attitude of the Government regarding that ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That will come under question No. 2.

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

2.—The present Government will consider the matter.

MAULAVI MUHAMMAD AMJAD ALI: And when ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: As soon as possible.

Expenditure incurred in connection with travelling allowance of Superintending Engineer

SRIJUT DEBESWAR SARMAH asked:

*3. Will Government be pleased to state the expenditure involved out of the Government coffers by way of travelling allowance, etc., for the last tour of the Superintending Engineer to Jorhat ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

3.—A sum of Rs.274-1 was spent on the tour in question which involved travelling as far as the Desang bridge. Details of the expenditure are given below—

	Rs.	a.	p.
(*i*) Travelling allowance of the Superintending Engineer.	194	12	0
(*ii*) Travelling allowance of the tour clerk ...	52	3	0
(*iii*) Travelling allowance of orderly peon ...	19	1	0
(*iv*) Tour charges (carriage of office box) ...	8	1	0
	274	1	0

SRIJUT DEBESWAR SARMAH: Mr. Speaker, Sir, as regards this question I find that it has been taken out of the main question and has been placed separate from the context, and so it has become meaningless. So I would ask if it cannot be left over at present so that it can be taken up along with the context.

THE HON'BLE THE SPEAKER: Has that question been admitted ?

SRIJUT DEBESWAR SARMAH: Yes, Sir.

THE HON'BLE THE SPEAKER: Was that also a starred question ?

SRIJUT DEBESWAR SARMAH: As a matter of fact the question was one whole and there were sub-clause (*a*) to (*e*). This was one of the sub-clauses later in the list of questions, probably (*d*) or (*e*).

THE HON'BLE THE SPEAKER: What was the question ?

SRIJUT DEBESWAR SARMAH: The question related to the water-supply by the Jorhat Municipality and the Superintending Engineer was to go and advise. The point was whether that was done or not ; and, if not, what was the purpose of the visit to Jorhat for and what was the expense incurred and what was done.

THE HON'BLE THE SPEAKER: I think then that the question can be taken up later.

Total revenue and expenditure of Assam for the last 3 years

SRIJUT RAJENDRA NATH BARUA asked :

*4. With reference to Unstarred questions 37 and 38 of the last Budget Session, will Government be pleased to state the total revenue from all sources and total expenditure of Government—

(*a*) of the Surma Valley,

(*b*) of the Assam Valley, for the last three years ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

4.—An attempt was made to obtain the information required but it was found impossible to get figures that would be anywhere near accurate without the assistance of the Comptroller, who was not prepared to undertake the work unless Government paid for the extra staff necessary to compile the information from his records. Government considered that the cost of entertaining this establishment would not be commensurate with the results to be obtained and decided to abandon the attempt.

SRIJUT RAJENDRA NATH BARUA: Is it not a fact that Government promised in the last session t give the figures ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, I did promise and I made an attempt to collect and give the figures from the Government Secretariat. But it was found that it will not be anywhere near being accurate and therefore, Government had to seek the help of the Comptroller. But he expressed his inability unless we supplied him with the adequate staff.

SRIJUT RAJENDRA NATH BARUA: Is it not necessary, Sir, that so far as this burning question of separation of Sylhet is concerned the figures are very important and were not the figures promised to us in the last session ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I said then that it was admitted on all hands that the district of Sylhet was a deficit one and that the deficit was somewhere in the neighbourhood of fifteen lakhs. When we have got that approximate figure, we thought it was not necessary to go into details and find out to the exact anna or pie.

Transfer of Executive Engineer's office from Golaghat to Jorhat

SRIJUT RAJENDRA NATH BARUA asked:

*5. Is it a fact—

(*a*) that a public memorial dated 1st September 1937 and a wire of the same date and a reminder dated 28th September 1937 regarding the transfer of the Executive Engineer's office from Golaghat to Jorhat were sent to Government and no acknowledgment received up till now ?

(*b*) If so, will Government be pleased to state the reasons for the same ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

5. (*a*)—A memorial on the lines indicated in the question was received but it was not possible to accede to the suggestion which it contained. An acknowledgment has since been sent. The delay in acknowledging the petition is regretted.

(*b*) Does not arise.

Shifting of the Capital of Assam from Shillong

SRIJUT RAJENDRA NATH BARUA asked:

*6. Will Government be pleased to state—

(*a*) Whether there was any enquiry made at any time as to the shifting of the capital of Assam from Shillong ?

(*b*) If so, what were the conclusions or recommendations ?

*7. Do Government propose to take initiative in the matter of shifting the capital to the plains ?

*8. Will Government be pleased to state what will be the approximate cost for such a scheme ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

6. (*a*)—No.

(*b*—Does not arise.

7.—No.

8.—Government consider that it would be useless to try to work out the cost of a scheme which is not likely to materialise in the near future.

Post of Director of Public Health

MR ARUN KUMAR CHANDA asked :

*9. (*i*) Is it a fact that Government have asked the Central Government for nomination of an officer for the post of Director of Public Health ?

(*ii*) If so, why ?

*10. Will Government be pleased to state—

(*a*) When is the imported Officer due to join ?

(*b*) What is his name and what are his credentials ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

9. (*i*) & (*ii*)—The post of Director of Public Health, Assam, is reserved for Indian Medical Service Officers so long as there are any officers of the "protected" category available—that is to say officers who joined Civil Employ before the 10th May 1928. The previous Government in accordance with the regulations on the subject reported to the Government of India in February last that there would be a permanent vacancy in the post on the retirement of Lt.-Colonel Murison, I. M. S., and enquired whether any Indian Medical Service Officer of the protected category would be available.

MR. ARUN KUMAR CHANDA : Is there any regulation which lays down that the said post is to be always filled up by Indian Medical Service Officers ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Not always. But according to the rules of the Secretary of State, this arrangement will continue until all those officers of the Indian Medical Service, who were appointed on the 10th May 1928, have been exhausted. After they have all been exhausted, the post will be under the Local Government for appointment.

MR. ARUN KUMAR CHANDA : Is it not a fact that the Government of India in their despatch to the Secretary of State for India have said that the Government of India considered it necessary to state definitely that the highest administrative appointments in the civil side should be opened equally to officers of the Provincial Service and the officers of the Indian Medical Service ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Yes, Sir, but under certain conditions and those are the exceptions I have stated.

MR. FAKHRUDDIN ALI AHMED : What are those conditions, Sir ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Those that I have already explained. In regard to this post of Director of Public Health, after all these officers of the protected category who have been in civil employ on the 10th May 1928 have been exhausted, the local Government will be free to make their own appointment.

MR. FAKHRUDDIN ALI AHMED : Am I to understand that the Hon'ble Minister has no power to make these appointments ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Not till they have been exhausted.

MR. ARUN KUMAR CHANDA : And this is Provincial Autonomy.

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

10. (*a*) & (*b*)—In accordance with the regulations on the subject the Governor General in Council appointed a selection committee and in accordance with their advice he selected Lt.-Colonel A. M. V. Hesterlow, I. M. S., for the post. A reference on the matter has been made to the

Government of India by the present Government and it cannot be said at present when the officer will join. The officer is at present Assistant Director of Public Health, Bombay, and his qualifications are M.B., Ch.B. (Edin.), B.Sc., P. H. (Edin.), D.T.M. & H. (Edin.).

Mr. KAMINI KUMAR SEN: May I know what is the nature of that reference to the Government of India, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Under the rules of the Secretary of State Government has to notify these vacancies to the Government of India.

Mr. ARUN KUMAR CHANDA: Is Government aware that in other Indian provinces provincial officers hold the post of Director of Public Health ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I know only in one province, the United Provinces.

Mr. ARUN KUMAR CHANDA: How was that ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That must have been by some arrangement with the Secretary of State.

Mr. KAMINI KUMAR SEN: In the reply it was stated that nomination has already been made by the Government of India. Now the only question is when the imported officer is to join. I do not know, Sir, why, if the officer has already been appointed, there was a necessity for a reference ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The reference is in regard to the position of the financial condition of Assam and the fact that there is a retrenchment committee, whose recommendations may affect the appointment of this officer.

Mr. ARUN KUMAR CHANDA: May I know, Sir, how many years service that officer has to his credit ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: He has been in service in Bombay, but I do not know how long.

Mr. ARUN KUMAR CHANDA: Does Government say that he is the most competent man in the circumstances ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This Government is neither the appointing nor selecting authority.

Mr. ARUN KUMAR CHANDA: Are diseases like *Kala azar* and Black-water fever known to medical men in Bombay ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I may say, Sir, that they are known all over the world to the Medical profession.

Mr. ARUN KUMAR CHANDA: Then what is the meaning of specialised knowledge of certain diseases prevalent almost exclusively in certain areas ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: All these gentlemen have been serving in India for a pretty large number of years.

I will explain, Sir, the position is most probably not understood. The Secretary of State by an arrangement in 1932 laid down that certain officers of the Indian Medical Service should get preference in all administrative posts. The different provincial Governments were consulted and almost all of them acquiesced in that proposal, except the United Provinces and another, if I remember aright. So, it has been laid down that the post of Director of Public Health in Assam is reserved for the Indian Medical Service, so long as officers appointed after that particular date in 1928 are available. There is a Selection Board with the Central Government

and whenever a vacancy occurs in any of the Provinces they select from the eligible Indian Medical Officers. When the previous Government approached the Government of India with the idea of having an officer selected—that was in February last, before the present Ministry assumed office—there was a Selection Board at Delhi which selected four different officers. These four candidates were presumably selected as they were qualified under the terms of service, seniority, merit, etc., and they were meant to be appointed as Directors of Public Health or Inspectors General of Civil Hospitals wherever there was any vacancy. This gentleman was I think, fourth in the list. Unfortunately for us, the three top nominees of the Selection Board have been absorbed in different provinces, and we are getting Colonel Hesterlow to be appointed to our province. We pointed out to the Government of India that, in fairness to the officer who has been selected, certain matters should be placed before him and the Government of India. Assam is a very poor province and there is a likelihood of the post of Inspector General of Civil Hospitals being combined with that of the Director of Public Health, and that a Retrenchment Committee is sitting, and that, therefore, if the officer elects to come he should know all these facts. That is the reference which my hon. friend has mentioned in his reply. In this matter, whether there is provincial autonomy or not, we are bound by the decision of the Secretary of State of 1932 and are also bound by the action of the previous Government.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know whether we are also bound by the provisions made under the present Government of India Act ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir.

MR. ARUN KUMAR CHANDA: My point, Sir, if an officer is brought from another province who has no special knowledge of the diseases which are prevalent in Assam, would he not lose a little time in acquiring the necessary experience and in that way would not his services be lost to the province for a little time, and should not, in the circumstances the authorities draw the attention of the India Government about the undesirability of importing this officer ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I quite appreciate the point. We did everything possible to point out these different things.

Supply of liveries to menials in various Government Departments

MR. ARUN KUMAR CHANDA asked:

*11. Will Government be pleased to state (*i*) if liveries supplied to menials in various Government Departments and those attached to the establishments of the Hon'ble President, the Hon'ble Speaker and the Hon'ble Ministers are made of Khaddar ?

(*ii*) If not, why not ?

*12. Do Government propose to issue necessary orders in order to patronize Khaddar ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

11. (*i*)—No.

(*ii*)—Because enquries proved that Khaddar uniforms would be more expensive. It was pointed out that the material does not make smart uniforms and that its use has assumed a political complexion.

MR. ARUN KUMAR CHANDA: May I have an idea, Sir, what, according to Government's point of view, smartness is ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This is not a new question, Sir. The same question has been before the predecessor of this House for a long time. When this question was raised we addressed all the departmental heads, and the Police Department reported that khaddar does not make a smart uniform. I am simply repeating what the department said.

MR. ARUN KUMAR CHANDA: Are we to understand, Sir, that Government, if they turn to this side of the House do not see smart uniforms ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I envy their flowing garments, Sir, and I quite agree that they are very original, but they are not smart.

MR. ARUN KUMAR CHANDA: Is it not a fact that a resolution was passed at the instance of the then Srijut Rohini Kumar Chaudhuri recommending that khaddar should be bought by Government for all their requirements of cloth ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is quite correct and we are following the same, as will be found from my answer to the next question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

12.—Government have decided to buy local products, as far as practicable for all Government requirements and the Director of Industries has been asked to prepare a list of articles available. Assam-made Khaddar and other cloths will be included in the list.

MR. ARUN KUMAR CHANDA: Were the tailors consulted with a view to devising smart cuts out of khaddar ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already said that Assam-made khaddar will be used where smartness is not necessary.

MR. ARUN KUMAR CHANDA: Is smartness to be considered the close preserve of the treasury Benches in view of their present outfit ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not think the hon. member has any right to compel us to put on the dress he wants. That is a matter of individual taste and inclination.

Public Works Department Moharars

SRIJUT PARAMANANDA DAS asked:

*13. Will the Hon'ble Minister for Public Works Department be pleased to state—

(*a*) Whether Government propose to make the posts of Public Works Department Moharars permanent ?

(*b*) Whether the Public Works Department Moharars enjoy the privilege of the General Provident Fund ?

(*c*) Whether the Public Works Department Moharars are allowed privilege leave ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

13. (*a*)—No.

(*b*)—Yes.

(*c*)—No. Casual leave is admissible for short periods up to ten days in any year. No work charged establishment is subject to the rules governing privilege leave.

SRIJUT PURNA CHANDRA SARMA : Are not these Moharars treated as Government servants ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are Government servants but treated as work-charged.

Village chowkidars of Goalpara District

SRIJUT PARAMANANDA DAS asked :

*14. Will the Hon'ble Minister for Police be pleased to state—

(*a*) what purpose the village chowkidars of Goalpara district are serving ?

(*b*) what are the duties assigned to them ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

14. (*a*) & (*b*)—They are serving the purpose of a village police force, whose duties are laid down in section 39 of the Village Chaukidari Act, 1870, a copy of which is laid on the library table.

SRIJUT RUPNATH BRAHMA : In which districts of the province is this system prevalent ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In Sylhet and Goalpara.

SRIJUT RUPNATH BRAHMA : Has the system worked well in those districts ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The system has worked well so far as Government reports go.

MAULAVI SYED ABDUR ROUF : Are offences against property in Goalpara less than those in other districts in Assam Valley ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are not less, but are better reported.

MAULAVI GHYASUDDIN AHMED : Are there chaukidars in Kamrup district ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Their functions are served in that district by the Village Goanburas.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: How are these chowkidars paid ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are paid from the proceeds of the chowkidari cess.

QUESTION AND ANSWERS

UNSTARRED QUESTIONS

Restoration of the pension of Dr. H. K. Das

MR. NABA KUMAR DATTA asked :

1. Will Government be pleased to state—

(*a*) Whether Dr. H. K. Das, formerly a Civil Surgeon, has applied for restoration of his pension ?

(*b*) If so, will Government be pleased to lay on the table a copy of the said application ?

2. (*a*) Do Government propose to accede to the prayer of Dr. Das ?

(*b*) If so, whether any assurance to the effect that he will not join in future in any anti-Government or subversive movement will be taken from him ?

3. Do Government propose to pay him the arrear pension also ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

1. (*a*)—Yes.

(*b*)—Government do not propose to do so, as the matter is still under consideration.

2. (*a*), (*b*) and 3—He has been asked to give an assurance that he will in future dissociate himself from movements which aim at the subversion of Government established by law in British India. On receipt of this Government will consider about the restoration of his pension either with or without retrospective effect.

MR. NABA KUMAR DATTA: Am I to understand that his pension will not be restored unless he gives an assurance that in future he would not have anything to do with any anti-Government movement ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not prepared to anticipate events and I do not know what will be the decision of Government. We have not received any reply from Dr. Das up to now.

BABU HARENDRA NARAYAN CHAUDHURI: Will the Hon'ble Minister please state any subversive acts of Dr. Das ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : At the time when his pension was suspended, in public speeches he eulogised Rajguru, Bhagat Singh and all those people who were charged with murder.

BABU HARENDRA NARAYAN CHAUDHURI: Is it a subversive act to eulogise a patriot, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not say that all murderers are not patriots, but at the same time I am not prepared to say that those particular acts were acts of patriotism.

MR. NABA KUMAR DATTA: May I know the amount of his pension ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not in a position now to say what is the total amount.

Latu-Hingajia Road

BABU RABINDRA NATH ADITYA asked :

4. Will Government be pleased to state the respective distances from Karimganj to Juri *via* Latu-Hingajia Road and *via* Karimganj-Juri Road through Patharkandi ?

5. Is it a fact that Latu-Hingajia Road serves a more populous and important part of the subdivision than the Karimganj-Juri Road which passes mostly through jungles and tea gardens ?

6. Is it a fact that the improvement of the Latu-Hingajia Road is desired by the public to get facilities for agriculture, marketing and transport of Hakaluki products ?

7. Is it a fact that Government will save much in travelling allowance by diverting the traffic by this road ?

8. Do Government propose to consider the question of improving this road ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

4. (*a*)—27.
(*b*)—40·6.

5.—This is a matter of opinion. The Karimganj-Patharkandi-Juri road was considered the more important route when the 2nd Road Board Programme was initiated in the year 1928.

BABU RABINDRA NATH ADITYA: It is said that the Karimganj-Patharkandi-Juri road was considered the more important route. May I know by whom and how the importance was determined ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already said that it was determined to be more important by the second Road Board in 1928. I am not in a position to say who were the members of that Board nor can I say what had influenced them to declare this route to be more important.

BABU RABINDRA NATH ADITYA: In determining importance of a road is the question of traffic taken into consideration or anything else ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have not got the information, Sir.

BABU RABINDRA NATH ADITYA: Will Government make an enquiry whether the present road is more important than the other one ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Enquiry now ?

BABU RABINDRA NATH ADITYA: Yes.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not see any necessity for an enquiry now because I have already said in answer to question 8, as funds are not available we are not in a position to improve the road.

BABU KAMINI KUMAR SEN : Is it not a fact that the distance from Karimganj to Juri *via* Karimganj-Juri road is more than 40 miles ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This is given in answer to question 4.

BABU KAMINI KUMAR SEN: No, Sir. The distance *via* Karimganj-Juri road is not given in the answer.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If my friend wanted that particular information I would have been too glad to give it, but as I am not familiar with those places I am not in a position to give the information off-hand.

BABU KAMINI KUMAR SEN : My point is that the road that has been chosen by the Road Board is greater in length at least by 13 miles than the alignment *via* Latu-Hingajia road.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is obvious.

BABU RABINDRA NATH ADITYA: In view of the heavy traffic on this road and for the marketing facilities that it affords, do Government propose to take up this road for improvement ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: When we get funds for improvement of communication surely this particular road will be brought to the notice of the Road Board.

BABU RABINDRA NATH ADITYA: If Government see the utility of the road, I think they will be in a position to provide funds for its improvement.

THE HON'BLE THE SPEAKER: The hon. member is not allowed to start a discussion on the question.

BABU RABINDRA NATH ADITYA: Do Government agree that this road carries more traffic ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I agree with the hon. member that it carries more traffic and I am certain that Government will consider the question of its improvement when funds permit.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

6 —Undoubtedly and the same may be said for many other roads.

7.—Such saving would be infinitesimal when considered in connection with the cost of necessary improvements

8.—Not at present as funds are not available.

Lease of the Tezpur-Balipara Railway

SRIJUT OMEO KUMAR DAS asked:

9. Will Government be pleased to state—

(*a*) When the lease of the Tezpur-Balipara Railway terminates ?

(*b*) Whether the amalgamation of the Tezpur-Balipara Railway with the Eastern Bengal Railway is under contemplation ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

9.(*a*)—The Railway Department will have the option of acquiring the Tezpur-Balipara Railway in 1945.

(*b*)—Government have no information.

SRIJUT OMEO KUMAR DAS: In reply to my question I find the answer that the Railway Department will have the option of acquiring the Tezpur-Balipara Railway in 1945. Am I to understand that the lease terminate in 1945 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is a clause for renewal. At the end of every seven years' option is given to the Railway Department to acquire the railway. The present term expires in 1945.

SRIJUT OMEO KUMAR DAS: Is not the lease given annually ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No.

SRIJUT OMEO KUMAR DAS: I had a few other questions regarding the passenger's difficulties. I do not find them to-day.

(No reply.)

Metalling of a road from Jogighopa to Chapaguri

MAULAVI MUHAMMAD AMJAD ALI asked:

10. Will Government please state what amount has been spent by Government to gravel the road from Jogighopa to Chapaguri ?

11. In what ways Government is going to utilise this road (*a*) for mails and (*b*) for passengers ?

12. Do Government propose (*a*) to order the Public Works Department to run a steam ferry between Jogighopa and Goalpara, (*b*) to invite private capitalists to run a steamer Service between Jogighopa and Goalpara connected with a mail-*cum*-passenger Service on the road from Jogighopa to Bongaigaon ?

13.(*a*) Is it a fact that the Postal Department is willing to subsidise the Government if it arranges a ferry between Goalpara and Jogighopa, to carry the mails ?

(*b*) If not, will Government please enquire into the matter ?

(*c*) If the Postal Department is willing to subsidise, whether Government propose to avail of that and if so when and if not, what are the reasons ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

10.—The road from Jogighopa to Chapaguri—a length of 23 miles is being improved under a sanctioned estimate amounting to Rs.1,75,530. The work is nearing completion.

MAULAVI MUHAMMAD AMJAD ALI : Are Government aware that there is a big gap called Haripani in the road from Jogighopa to Chapaguri and do they propose to bridge it ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If I remember aright this question was raised by the hon. member in the last session and I gave a reply.

MAULAVI MUHAMMAD AMJAD ALI : My point is this : when such a huge amount has been spent by Government to improve the road from Jogighopa to Chapaguri, do not Government think that it will be useless if that stream is not bridged ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Does this supplementary question arise, Sir ?

THE HON'BLE THE SPEAKER : I do not think that this question arises.

MAULAVI MUHAMMAD AMJAD ALI : May I know what Government is going to do with this big breach ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Hon'ble Speaker has already ruled that this question does not arise.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

11.(*a*) & (*b*)—The hon. member's question is not understood. Government have improved and will maintain the road for the use of the public.

12.(*a*)—No.

(*b*)—The entire question regarding the authority which will in future control the running of this ferry is at present engaging the attention of Government and until a decision is arrived at it is not possible to answer the hon. member's question.

13.(*a*)—No such proposal has been put forward by the Posts and Telegraphs Department of the Government of India and the local officers of that Department report that no such scheme has been formulated.

(*b*)—This will depend on the action taken under 12(*b*).

(*c*)—This must depend on the amount which the Central Government offer should they decide to make any such offer.

Percentage of literacy in vernacular under each local board and Government contributions for education to different local boards

MAULAVI MUHAMMAD AMJAD ALI asked :

14. Will Government be pleased to state the percentage of literacy in Vernacular under each Local Board of the Province ?

15. Will Government be pleased to state on what basis and principle Government contributions for education are made to different Local Boards in the Province.

16.(*a*) Will Government be pleased to state whether it is in contemplation of Government to give proportionate increased Government grants for education to those Local Boards whose percentage of literacy in vernacular is lower ?

(*b*) If not, what are the reasons ?

17. Is it a fact—

(*a*) that the Goalpara Local Board has closed twenty-seven Lower Primary schools since April 1937 mainly on account of financial difficulties ?

(*b*) that great inconveniences are being felt by the people of the localities concerned for the sudden closure of the aforesaid schools ?

18.(*a*) Will Government be pleased to state whether they propose to sanction a special increased grant to the Goalpara Local Board just to reopen the closed schools and take up more schools ?

(*b*) If not, why not ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

14.—Literacy figures are not available for subdivisions. The district is the smallest unit for which such figures are available.

15.—Two principles have been adopted at various times, *viz.* :—

(*i*) the population of the Local Board area,

(*ii*) the number of venture schools in the area.

In connection with the distribution of the extra grant of Rs. 50,000 recurring voted by the Assembly this year for the expansion of primary education Government have ordered a survey to be made of the needs of every subdivision.

SRIJUT PURNA CHANDRA SARMA : With regard to the answer to question 15 the Hon'ble Minister has stated that in connection with the distribution of the extra grant of Rs. 50,000 recurring voted by the Assembly this year for the expansion of primary education Government have ordered a survey to be made of the needs of every subdivision. Is it not a fact that the Hon'ble Minister has made this enquiry at least three times after the last budget session ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : No, only one time.

SRIJUT PURNA CHANDRA SARMA : Is not the Hon'ble Minister aware that such enquiry was made even before the last budget session and also after the budget session and in the month of September ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I am not aware of that.

SRIJUT PURNA CHANDRA SARMA : When this enquiry letter was sent to the districts regarding the amount of grant required for each subdivision ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: After the last session when the grant was voted.

SRIJUT PURNA CHANDRA SARMA: Has not any reply been received uptill now ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: We have been receiving replies but not all.

SRIJUT PURNA CHANDRA SARMA: Will the Hon'ble Minister kindly inform this House which are the districts which have not reported their requirements uptill now after the last budget session ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: I want notice of that.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied:

16.(*a*) & (*b*)—As the percentage of literacy in vernacular by subdivisions is not known the grants cannot be proportionate to such percentage.

17.(*a*)—They closed 26 schools, amalgamated 3 schools and opened 10 new schools.

The reasons were mainly on account of financial difficulties.

(*b*)—It is reported that the people of some localities are suffering inconvenience.

18.(*a*)—No.

(*b*)—Because of lack of provincial funds. The Board will in any case obtain its share of the additional sum of ½ a lakh budgeted in the current year for primary education.

Representation from the Secretary of the Surma Valley Flood Enquiry Committee *re* recurrence of flood in Surma Valley

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURI asked:

19. Will the Hon'ble Minister-in-charge be pleased to state—

(*a*) whether he received any representation from the Secretary of the Surma Valley Flood Enquiry Committee ?

(*b*) Whether he is aware of the fact that a public meeting was held on 14th July 1937 under the presidency of Babu Nagendra Narayan Chaudhury, B.A., at Maulvi Bazar, in the district of Sylhet ?

20. Is it a fact that the said meeting earnestly requested Government to make a personal inspection of the flood affected area in every subdivision and of the condition of rivers and haors and specially with reference to the following rivers and haors—

(*a*) Rivers—Barak, Surma, Kusiara, Manu, Sarai, Kalni, Sakha-Barak, Gopla, Khowai, Jiri, Longai, etc.

(*b*) Haors—Kanadigi, Dekarhaor, Surash-haor, Hakaluki, Karria, Kalnichar, Sanir Haor, Radhanogor Dhala, Jinarpur haor, etc.

21. Do Government propose to take any step to save the people of the flood-affected area from ruin ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

19. (*a*)—No.

(*b*)—No.

MAULAVI ABDUL AZIZ: Will the Minister-in-charge make an enquiry into the damages caused by floods in the Surma Valley, and if it is found to be a fact that there have been damages, do Government propose to take steps to prevent floods taking place in future and do something for the affected people.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Does this question arise, Sir? The question is whether we received any representation; I say, No. Another question is: whether he is aware of the fact that a public meeting was held. I say, No. How does the question arise, Sir?

MAULAVI ABDUL AZIZ: If a member of this House informs the Government that flood caused havoc in a district of the Surma Valley, and if he requests Government to make an enquiry, will they not make an enquiry?

THE HON'BLE THE SPEAKER: This is a hypothetical question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

20.—Does not arise.

(*a*)—Does not arise.

(*b*)—Does not arise.

21.—Does not arise.

BABU RABINDRA NATH ADITYA: Will Government state how the question does not arise?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Because it refers to the original questions Nos.19 and 20. A particular area is mentioned, but I have not received any representation from that particular area. We received a representation from another gentleman, Babu Jatindra Mohon Sinha of Indeswar with regard to another area. As regards this particular area, I have received no representation at all.

BABU RABINDRA NATH ADITYA: If there is any flood, is it not the duty of Government to save people in any area whatever?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: When that be the case, Government will do what it can. The hon. member may rest assured that the whole question will be enquired into.

MAULAVI ABDUR RAHMAN: May I know from Government whether Government are aware that there is flood recurrence in the Surma Valley district? Has Government gone into all this?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir.

Collection of extra tolls in the Chhatak Bazar

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY asked:

22. Is it a fact that the Zamindar of Gauripur, in the Chhatak Bazar in the district of Sylhet, collects extra tolls, namely Iswarbrithi, Shibartola, Kalirtola, etc.?

23. Is the Hon'ble Minister in charge aware of the fact that the action of the Gauripur Zamindar has wounded the religious sentiment of the Moslems and several public meetings were held protesting against the forcible collection of such tolls?

24. Do Government propose to make an enquiry into the matter and take immediate and necessary steps so that the grievances of the public may be removed?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

22 and 23.—Government have no information.

24.—No; the hon. member is referred to section 89 of the Sylhet Tenancy Act, 1936, which prescribes a remedy for tenants for exactions which they may consider illegal. If the persons from whom tolls are levied are not tenants, there is no compulsion on them to go to the Bazar and subject themselves to the tolls; Government do not see their way to interfere.

Grant of remuneration to religious instructors of jails

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY asked :

25. Will the Hon'ble Minister in charge be pleased to state whether some of the religious instructors of jails are receiving remuneration in the shape of conveyance, pay, etc. ?

26. If so, does the Hon'ble Minister in charge propose to grant remuneration to the religious instructors of the jails of Sylhet, and of Sunamganj in particular ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

25.—Conveyance allowance is given in some cases.

26.—The Hindu Instructor of the Sylhet District Jail gets a conveyance allowance of Rs.10 per mensem. The Muhammadan Instructor of that jail does not get an allowance. An application from the religious instructors of the Sunamganj District Jail is under consideration of Government. Government are prepared to consider applications received in accordance with rule 292 of the Assam Jail Manual, Volume I.

Prevention of recurrence of floods in Karimganj subdivision

MAULAVI MABARAK ALI asked :

27. Will Government please state—

(*a*) the causes of floods every year on both the sides of the river Kushiara, from Karimganj downwards to Fenchuganj ?

(*b*) whether any steps have been taken by Government to prevent the recurrence of floods in future in that area ?

(*c*) If not, why not ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

27. (*a*)—Normal overflow occurs not only in this part of the Kushiara but even more markedly below Fenchuganj and over the whole subdivision of Sunamganj due to the low-lying land on each side of the river but it would not be correct to describe these occurrences as " yearly floods ".

(*b*) and (*c*)—The overflow of the river on to the land is gradually building up the low-lying portions by depositing silt but the process is bound to be slow owing to the entire area being at such a low level. Nature is thus taking the only method applicable to the solution of the problem. Government have not taken any action in the matter.

MAULAVI MABARAK ALI : With regard to (*b*) and (*c*) will Government take any action in future or will it depend on nature ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The question of draining this area was taken up as early as about 1928. Certain proposals were mooted by the Public Works Department, and it was a question of land being given freely by the zemindars or the land-holders concerned. But the people of the locality did not give up land as required, therefore nothing could be done. Since then provincial revenues have gone from bad to worse and Government have got no money to spend on reclaiming lands. So we have left it to Nature to silt up low-lying areas. We have however been thinking of starting an Irrigation Branch of the Public Works Department and do our best in the matter.

BABU KAMINI KUMAR SEN: May I know in what year the proposed land was required ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: About 1928. Swamps in particular area of the Karimganj subdivision were to be drained away.

BABU KAMINI KUMAR SEN: Cutting out drains ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, draining very low-lying areas.

Levy of tolls over Public Works Department and Local Board Roads and Bridges

SRIJUT JADAV PRASAD CHALIHA asked:

28. Is it a fact that the tolls charged over Public Works Department and Local Board ferries and bridges in the Assam Valley and the Surma Valley are different ?

29. Do Government propose to make levy of all tolls over Public Works Department and Local Board roads and bridges over the whole province uniform ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

28.—Yes.

29.—Not at present. The hon. member is referred to the discussions in connection with question No. 417 asked during the last session of the Assembly.

Applications for mining concessions

SRIJUT JADAV PRASAD CHALIHA asked:

30. (*a*) Is it a fact that many applications for mining concessions have been received recently ?

(*b*) If so, how many and from whom, and for what minerals ?

31. Will Government please lay on the table a copy of the terms and conditions under which the recent leases were issued or are proposed to be issued ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

30. (*a*)—Yes.

(*b*)—Six for leases to quarry limestone, two for Prospecting Licenses for limestone, two for Prospecting Licenses for coal.

31.—Apart from the two prospecting licenses for limestone which have been refused, all the other applications are still under consideration. Terms have been offered in two cases, but no final acceptances have been made and no leases issued. Government do not consider it desirable to disclose the names of applicants or the terms which are under consideration until final orders are passed, in the interests of the applicants themselves.

Number of Leper Asylums in the Province

MAULAVI ABDUL BARI CHAUDHURY asked:

32. Will Government be pleased to state—

(1) How many Leper Asylums are there in the Province and where are they situated ?

(2) The number of patients under treatment in each of these Asylums ?

(3) The number of patients discharged from each of these centres in the year 1936-37 ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

32.—A statement is given below—

Name of institution	Number of in-patients treated during 1936	Discharged, cured or relieved	Discharged otherwise
Leper Asylum, Sylhet	100	9	12
Leper Asylum, Gauhati ...	48	17	7
Leper Hospital, Kohima ...	27	...	...
Leper Ward, Dhubri	27	10	3
Leper Colony, Tura	94	9	9
Mission Leper Colony, Jorhat ...	Details not known but 129 lepers were treated in this colony during the year.		

Of the above institutions the Leper Asylum, Sylhet, the Leper Hospital, Kohima and the Leper Colony, Tura, are maintained by Government, the other institutions receiving grants-in-aid. Government have also made provision in the current year's budget for a grant-in-aid towards the establishment by the Local Board of a Leper Asylum at Barpeta.

Recommendation of the Flood Enquiry Committee

MAULAVI ABDUL BARI CHAUDHURY asked :

33. Is it a fact that—

(*a*) the Flood Enquiry Committee set up in pursuance of a resolution of the Assam Legislative Council in 1929 recommended to Government for the formation of a Waterways Division ?

(*b*) If so, do Government propose to form such Waterways Division for regulating the Courses of the rivers and for checking inundation by floods in the low-lying districts of the Province immediately ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

33. (*a*)—Yes.

(*b*)—Government will consider the question sympathetically when the finances of the province render it possible to put this ideal proposal into practice.

Shillong-Sylhet Road

MAULAVI MD. ABDUS SALAM asked :

34. Will Government be pleased to state—

(*a*) whether the Shillong-Sylhet Road has been constructed with a view to join the Surma Valley Districts with the Headquarters of the Province of Assam ?

(*b*) whether the road runs through the Jaintia parganas ?

(*c*) whether the Jaintia parganas have got practically no road communication ?

35. Are Government aware of the fact that some roads in Jaintia have been turned into dense jungles and no steps have been taken either by Government or the Local Board to reclaim them and improve ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

34. (*a*)—Yes and thus connect the Assam and Surma Valleys by road and facilitate road traffic throughout the province in addition to improving local communications.

(*b*)—Yes for a part of its length.

(*c*)—There are 24·09 miles of road maintained by Government in the area in question and 22 local board roads measuring over 86 miles in length.

35.—No, but if the hon member will be more explicit and state the names of the roads in question enquiries will be made.

Remission of the outstanding Agricultural Loans in the districts of Goalpara and Sylhet

MAULANA ABDUL HAMID KHAN asked :

36. Will the Hon'ble Minister in charge be pleased to state—

(*a*) The outstanding agricultural loans in the districts of Goalpara and Sylhet ?

(*b*) The amount of the said outstanding loans remitted in each of these two districts up till now ?

THE HON'BLE SRIJUT RO HINI KUMAR CHAUDHURI replied :

36. (*a*)—The outstanding amount of agricultural loans on 30th June 1937 was as follows—

Goalpara District	...	...	...	...	Rs. 44,170
Sylhet „	...	...	...	...	Rs. 4,24,969

(*b*)—During the year 1936-37 remissions in Goalpara amounted to Rs. 17,4 2 and in Sylhet to Rs. 69,594.

During the current year Rs.1,30,000 has been allotted to the Commissioner for writing off irrecoverable loans in Sylhet. The report of the Commissioner, Assam Valley Division, about Goalpara and other Assam Valley Districts is being awaited.

Distribution of contracts for doing printing works of Government

SRIJUT RAJENDRA NATH BARUA asked :

37. Do Government propose to enquire whether the presses in the Province are sufficient to take up all the printing works of Government ?

38. Will Government be pleased to state whether (*a*) there are any clauses in the contracts already entered into with the foreign presses to terminate the same before the due date of expiry ?

(*b*) If so, what are they ?

(*c*) Do Government propose to allot the work to the local presses ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

37.—Yes, when the time comes for the distribution of the next contracts early in 1940.

38. (*a*)—Yes.

(*b*)—Clause I of the Form of Agreement is as follows—

I. This contract shall remain in force for three years commencing from the 1st day of April 1937 but may be determined by either party giving six calendar months' previous notice to the other at any time on or after the expiry of the first twelve calendar months of this contract. In the event of the contractors being adjudged insolvent, the Secretary to the Government of Assam in the department dealing with the subject of Provincial Government Presses (hereinafter referred to as the Secretary) shall have power to give notice in writing to the contractor terminating the contract forthwith.

(*c*)—When next issuing contracts Government will endeavour to give the local presses as much work as they can suitably perform.

SRIJUT RAJENDRA NATH BARUA: My question was: Will Government be pleased to state whether there are any clauses in the contracts already entered into with the foreign presses to terminate the same before the due date of expiry ? If so, what are they ? I find that clause 1 has been given. Was there no other clause by which the lease could be terminated ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So far as the condition on which the contract can be terminated, that is the only clause ?

SRIJUT RAJENDRA NATH BARUA: Only first clause has been given ; what are the other clauses ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: All the conditions are laid down in this first clause.

SRIJUT RAJENDRA NATH BARUA: May I take it that there are no other conditions about the termination of the contract ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: About the termination of the contract there is no other clause.

Criminal Peshkar of Goalpara Subdivisional Officer's Court

MAULAVI MATIOR RAHMAN MIA asked :

39. Will the Hon'ble Minister in charge be pleased to state—

(*a*) Whether the present Criminal Peshkar, Goalpara Subdivisional Officer's Court is a permanently settled local man ?

(*b*) How long has he been serving at Goalpara in the ministerial job ?

(*c*) Whether it is a fact that he demands and accepts large sum of money during renewal of gun license and for letting the applicants know the orders of authorities on their petitions ?

(*d*) Whether it is a fact that an explanation was demanded from him and he compromised the same on payment of Rs.700 (seven hundred).

(*e*) Whether Government contemplates to transfer him to a distant place ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

39. (*a*)—Yes, of the district. He has a house in the town as well.

(*b*)—Since 1929.

(*c*)—No such complaint was ever made by anybody. The Subdivisional Officer himself renews the licenses in the muffasil.

(*d*)—The Peshkar compromised with a convict who had to undergo excess imprisonment owing to the oversight of the former. No explanation was demanded.

(*e*)—No ; unless administrative reasons demand it.

Realisation of forced subscription by Subdivisional Officer, Sunamganj, at the time of renewal of gun licenses

BABU KARUNA SINDHU ROY asked :

40. Will Government please refer to the reply given to unstarred question No.1614 asked in the budget session of the Assembly, regarding forced subscription realised by the Subdivisional Officer of Sunamganj in December 1936 and state—

(*a*) What is the source of information that such realisations were not made ?

(*b*) If Government is satisfied at the statement made by the Subdivisional Officer himself ?

(*c*) If not, whether Government propose to make enquiries inviting evidences from the licence holders of the subdivision ?

41. Will Government please state if any clue has been found as to the identity of person or persons from whom, the revolver placed in the house of one Brojonath Ghosh of Madanpur in the subdivision of Sunamganj, was stolen or indented ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

40. (*a*)—A report from the Subdivisional Officer.

(*b*)—Yes.

(*c*)—Does not arise.

BABU HARENDRA NARAYAN CHAUDHURI : An allegation has been made against the Subdivisional Officer. Is it not ludicrous to call for explanation from the culprit himself ?

THE HON'BLE THE SPEAKER : That is a matter of opinion.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

41.—Enquiries were made in all the most likely directions but no information could be obtained either as to the origin of this revolver or the source from which it was obtained prior to the case mentioned.

Appointment of the Revenue Reduction Committee

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

42. Will Government please state what are the reasons for which Government have appointed the Revenue Reduction Committee ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

42.—The hon. member is referred to the Resolution on Land Revenue Reduction published in the Gazette, dated the 24th November 1937 in which the reasons are stated.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Is it not a fact that the Assembly rejected the Government proposal to appoint a Committee ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : No, Sir.

Closure of traffic over the Sonkosh and Palli river after dusk

MAULAVI JAHANUDDIN AHMED asked:

43. (*a*) Will Government be pleased to state whether it is a fact, that the public and their carts are not allowed to cross after dusk over the Sonkosh and Palli river on the G. B. road in the district of Goalpara ?

(*b*) If so, will Government be pleased to state under whose instruction such order was passed ?

(*c*) Will Government be pleased to state the reasons for such order ?

(*d*) Are Government aware that such order is causing great inconvenience to the public ?

(*e*) Do Government propose to withdraw such order at once ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

43.(*a*)—Yes.

(*b*)—Under orders of the Executive Engineer in consultation with the Deputy Commissioner.

(*c*)—The ferries are being worked departmentally for the same hours as they were previously worked by the Local Board prior to this Department taking over the road in 1930. Orders have been issued that they should be kept open until one hour after sunset.

(*d*)—Not more than on other roads where ferries are similarly restricted to these hours and probably much less as this road carries very little traffic.

(*e*)—No.

MAULAVI JAHANUDDIN AHMED: With regard to (*c*) are Government aware that in bazar days people of the locality who go for marketing have to wait till 7 or 8 p.m. in the market and they find it very difficult to cross the river ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I believe, Sir, this was the state of things when these ferries were run by the Local Board before 1930. The Public Works Department adopted the same hours of ferries as were in vogue when the ferries were run by the Local Board. Since then, after complaints have been received, I have increased the hour by one after sunset.

MAULAVI JAHANUDDIN AHMED: Are Government prepared to increase the hours by two or three hours after sunset especially during the bazar days ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Well, Sir, if my hon. friend will give me a list of the bazar days I will see whether I can help him. I do not know whether the bazar days there change every week as in Shillong.

MAULAVI JAHANUDDIN AHMED: No, Sir, there are fixed bazar days.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, Sir, I will enquire into the matter if my hon. friend gives me a list.

MAULAVI GHYASUDDIN AHMED: Will the Hon'ble Minister issue general instructions to keep the ferries open for two or three hours more after sunset during the bazar days and *hat* days in the district of Goalpara ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In Goalpara ?

MAULAVI GHYASUDDIN AHMED: Yes, Sir. There is such difficulty in many other cases.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, Sir, I will consider that question.

MAULAVI JAHANUDDIN AHMED: Where there are no arrangements on both sides of the ferries for people who come late at night, will Government build serais on both sides of the river ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This is entirely a new question, Sir, whether Government will provide serais for people who come late at night.....

THE HON'BLE THE SPEAKER: It is a new question. It does not arise from the answers.

Acquisition of land for the construction of Aijal-Silchar Road

BABU KALACHAND ROY asked:

44. Is it a fact (*a*) that Government proposes to acquire a large tract of land of Dhalai side for the purpose of constructing the Aijal-Silchar Motor road ?

(*b*) If so, will Government please state—

(1) the area of land proposed to be acquired, and if they are paddy lands ;

(2) the amount of compensation proposed to be given to the owners of the land ;

(3) the reason of realignment of the Road by acquisition of lands though there is the existing Local Board Road ;

(4) the width of the proposed road ?

45. Do Government propose to consider the desirability of taking over the existing Local Board Road for the purpose instead of acquiring valuable paddy lands to the great loss of the local people ?

46. Is it a fact that the proposed alignment is being made through the middle of the *chiris* and has the question of severance causing loss to the owners by such alignment been considered in awarding compensation ?

47. Has the attention of Government been drawn to the peculiar position of the Dhalai side lands where the plots of lands are already narrow being surrounded on one side by river and on another side by Hills ?

48. Is it a fact that lots of people of the locality have filed objection to the Deputy Commissioner protesting against the proposed alignment but notwithstanding steps in aid of the proposed alignment are being taken ?

49. Is it a fact (*a*) that the whole project is progressing on the report of the Public Works Department and that there is no report of the Sub-Deputy Collector of the Circle as to the propriety and necessity of the proposed alignment ?

(*b*) If so, will Government please place before the House the report of the Public Works Department in the matter ?

50. Do Government propose to consider the advisability of giving up the idea of the acquisition of the contemplated plots of lands and take steps for the construction of the road through the existing Local Board Road ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

44.—No.

45—50.—Does not arise.

Release of Babu Gunindra Nath Mitra, an internee

BABU SHIBENDRA CHANDRA BISWAS asked :

51. Will the Hon'ble Minister in charge please state—
(*a*) If Babu Gunindra Nath Mitra, son of Babu Surendra Nath Mitra, B. L., Pleader, Habiganj, is an internee ?
(*b*) If he was interned under the orders of the Government of Assam ?
(*c*) If any monthly allowance is being given to him, and
(*d*) If so, whether such allowance is paid by the Government of Assam ?

52. If the answer to question 51 (*b*) is in the affirmative will the Hon'ble Minister in charge be pleased to state if he proposes to release him (the internee) forthwith ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

51. (*a*)—Yes.

(*b*)—No, he was interned under the orders of the Government of Bengal.

(*c*)—This Government have no information.
(*d*)—No.

52.—Does not arise.

ADJOURNMENT MOTION REGARDING ORDER RESTRAINING RAIYATS OF GARO HILLS FROM USING TIMBERS WITHOUT THE MARKING AND PERMIT FROM FOREST AUTHORITIES

MR. JOBANG D. MARAK : Mr. Speaker, Sir, I have given notice of an adjournment motion to be moved with your permission.

THE HON'BLE THE SPEAKER : Yes, the hon. member may state the facts.

MR. JOBANG D. MARAK : That this Assembly do adjourn to discuss a definite matter of urgent public importance and of recent occurrence, *viz.*, regarding issue of illegal and arbitrary order by the Deputy Commissioner of Garo Hills on the Laskars of Garo Hills restraining the raiyats from using timbers without marking and permit from the Forest Authorities, a privilege granted to them by proviso (*ii*) of rule 5 of the Assam Forest Manual, Volume I, at page 150.

THE HON'BLE THE SPEAKER : When did the occurrence take place ?

MR. JOBANG D. MARAK : It was on the 1st November that parwanas were issued to all the Laskars numbering 57 to that effect.

THE HON'BLE THE SPEAKER : Notice has been issued on the 1st November ?

MR. JOBANG D. MARAK : Yes, Sir.

THE HON'BLE THE SPEAKER : Is it admitted that the parwanas are illegal ?

MR. JOBANG D. MARAK : Yes, Sir, it is admitted, because in the said Manual at page 150 it is stated, for proviso (*ii*) to rule 5 *substitute* the following :—

5 (*ii*) (*a*) All house-tax paying natives of the Garo Hills district resident or *jhumming* in that district may, without any permit, remove and utilise free of royalty such timber and other forest produce as they may require for their own use within the district, but not for sale, trade, mortgage or gift.

THE HON'BLE THE SPEAKER : Does the hon. member want to say that these parwanas were issued against this order ?

MR. JOBANG D. MARAK : Yes, Sir. Of course the parwana is issued in vernacular, the original of which I have got with me. I am giving a translation of it :

Translation of the Revenue Parwana Nos. 1097-1153 issued from the Deputy Commissioner, Garo Hills, to all Laskars subordinate to him.

"To

11-19 Sengjan Laskar.

Be this understood by you, and you are hereby required to inform this to all Nokmas of your elaka—

All trees which are not entirely dead cannot be removed and used as dead trees. Trees that are uprooted by cyclone, etc., also cannot be allowed for use without the previous written permission from the Divisional Forest Officer, Garo Hills.

Previous orders are cancelled, and this (order) shall be enforced in future. With effect from the date of this order (parwanas or notices), in future, dead trees also will have to be marked at the both ends of each piece of timber before they are removed from spots, and they will be treated as green trees.

Whoever disobeys this order shall be punished.

W. SHAW,

Deputy Commissioner, Garo Hills".

THE HON'BLE THE SPEAKER : Do these notices absolutely prohibit the use of timber ?

MR. JOBANG D. MARAK : Yes, Sir, they absolutely prohibit the use of timber ?

THE HON'BLE THE SPEAKER : How does the order work as a hardship to the people ? Is there any complaint ?

MR. JOBANG D. MARAK : Yes, Sir, I have received the supplementary parwana from different Nokmas, and the constituency also approached me. Sir, this order will cause very very hardship and all sorts of corruption will spring up from this order and people will seriously suffer inconvenience, and also they will be harassed by the authorities.

THE HON'BLE THE SPEAKER : Did they approach the local authorities ?

MR. JOBANG D. MARAK : Not yet, Sir. The Deputy Commissioner is the authority.

MR. ARUN KUMAR CHANDA : Before commencement of the day's business.....

THE HON'BLE THE SPEAKER : Order, order, let us dispose of this first.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, I think, it will be much better for the hon. member who has proposed this adjournment motion to give the Administration a chance of reviewing the order of the Deputy Commissioner. (*Hear, hear.*) We have received no complaint from any quarter up-till-now and so we have been taken by surprise at what the hon. member has said just now. Sir, I assure the hon. member on behalf of my Hon'ble Colleague the

Minister in-charge of Forests that he will immediately call for a report from the Deputy Commissioner and see if his order is illegal or *ultra vires* of the rule of the Forest Manual and if so that order will be cancelled I hope after this assurance, my hon. friend will withdraw his adjournment motion.

MR. JOBANG D. MARAK : Sir, may I know when that order will be cancelled ? The people are suffering even now. They require timber trees for building houses and many other things. The Laskars and the other Subordinate Officers have passed orders not to cut any timber trees. Sir, if any definite order is issued to the Deputy Commissioner of the Garo Hills for cancelling the order, I am quite willing to withdraw the adjournment motion. I want to have the copies of correspondence before I leave Shillong.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : All I can say is that the Hon'ble Minister in-charge of the Forests will ask the Chief Secretary to-day to call for the records from the Deputy Commissioner of Garo Hills to see why this order was necessary and when we have heard his explanation the final order can be passed. Of course, I am not in a position to say now whether the reply from the Deputy Commissioner will come during this Session and when the final order will be passed.

MR. JOBANG D. MARAK : In view of this assurance, Sir, I beg leave of the House to withdraw the adjournment motion.

THE HON'BLE THE SPEAKER : I have heard the hon. member who has tabled the motion. It is really directed against the action of the Local authorities in the district of Garo Hills. In the motion, of course, he has tried to show how these Paroanas are illegal and arbitrary but having regard to the fact that it is not an admitted fact, I do not think, his adjournment motion as worded is very definite but in view of what the hon. member has said after the Hon'ble Chief Minister gave an assurance of holding an inquiry into the matter and of taking steps to redress the alleged grievances, I do not think it necessary for me to give any ruling as to whether this adjournment motion is in order or not. As the hon. member does not like to move the adjournment motion, it falls through.

ADJOURNMENT MOTION REGARDING ALLEGATIONS OF ILL-TREATMENT ON THE PART OF SUPERINTENDENT OF NOWGONG JAIL TOWARDS BABU AJIT KUMAR CHAKRAVARTY, A POLITICAL PRISONER

MR. ARUN KUMAR CHANDA : Sir, before the commencement of the business of the day, I also left a notice of an adjournment motion. May I have the leave of the House to move it ?

THE HON'BLE THE SPEAKER : The hon. member may read his motion and state the facts.

MR. ARUN KUMAR CHANDA : This Assembly do now adjourn to discuss a definite matter of urgent public importance, to wit, allegations of ill-treatment on the part of the Superintendent of the Nowgong Jail and the Jail staff towards Babu Ajit Kumar Chakravarty, a political prisoner, on or about 15th October 1937, in connection with the hunger-strike resorted to by certain political prisoners in Assam in order to secure the redress of certain grievances.

Sir, from what we have heard, it appears that this political prisoner, Babu Ajit Kumar Chakravarty was removed from Tezpur Jail to Nowgong Jail and he went on hunger-strike the day after he arrived there. The Superintendent of the Jail illtreated him and adopted measures to coerce him which were so filthy and nauseating that I do not desire to describe them before

the House. My hon. friend Srijut Purna Chandra Sarma who is also a visitor of the Nowgong Jail visited the Jail to meet the political prisoner concerned and he was also satisfied about the allegations of cruelty which I now bring against the jail staff at Nowgong. I am not trying to pre-judge them. I do not mean to say that they actually perpetrated these deeds but what I desire is this that Government should, considering the serious natures of the allegations made against the Jail staff, hold an independent inquiry into the conduct of the Officers concerned.

THE HON'BLE THE SPEAKER: Why does the hon. member wants to censure the Government when he wants them to make an independent inquiry into the matter?

MR. ARUN KUMAR CHANDA: I want to censure the Government because no action has yet been taken though the occurence took place long ago.

THE HON'BLE THE SPEAKER: When were the allegations published?

MR. ARUN KUMAR CHANDA: They came out to Press on the 1st of November. On the 30th October Srijut Purna Chandra Sarma went to Nowgong Jail and then he issued a statement in the Press.

THE HON'BLE THE SPEAKER: Does the hon. member mean to say that up-til now no action has been taken by Government?

MR. ARUN KUMAR CHANDA: Yes, Sir this House has not been taken into confidence. No Government Communique has been issued and quite obviously nothing has been done.

THE HON'BLE THE SPEAKER: What has the Hon'ble Minister got to say?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, it is not clear to me what allegations the hon. member is referring to whether he is referring to the allegations which appeared in the Press based on statement supposed to be made to Mr. Sarma or to the allegations of ill-treatment made by the prisoner himself to some other authorities. This is one question I desire to ask the hon. member and secondly, Sir, I like to point out to you that there was ample time for tabling a resolution asking for an inquiry which he suggests now. As a matter of fact, such a resolution was actually tabled but unfortunately it was too late for acceptance.

THE HON'BLE THE SPEAKER: When was it tabled?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, the hon. member will remember when it was tabled. It could not be accepted as an ordinary resolution as it was time-barred. What I desire to point out to you is that, these allegations appeared in the Press on the 1st of November and so there was an ample time for the hon. member to table a regular resolution asking for an inquiry which he now suggests.

THE HON'BLE THE SPEAKER: The point is whether the allegations were brought to the notice of Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, the allegations which were brought to the notice of the Government were contained in a letter addressed to Government by my hon. friend Srijut Purna Chandra Sarma. The contents of that letter have appeared in the Press.

THE HON'BLE THE SPEAKER: What action has been taken on that letter?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As a matter of fact an enquiry has been made, and I personally visited the Jail and I took a statement from the prisoner himself, and I may mention that the statement which I got from the prisoner was at variance with the statement made in the Press. So I am particularly asking whether the adjournment motion refers to the statement in the Press or the statement made by the prisoner before the Deputy Commissioner or before me.

THE HON'BLE THE SPEAKER: Then it appears that Government have taken some action in the matter and can it be said that the grievance of that particular prisoner has been removed ? Will it not be proper for the Government to give out what really were the steps taken ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We have decided as a matter of fact orders have been issued transferring the Superintendent of Jail to the Garo Hills.

MR. BAIDYANATH MOOKERJEE: On a point of information, may we know whether the allegations made by the hon member Srijut Purna Chandra Sarma were on enquiry by the Hon'ble Minister found to be correct ?

THE HON'BLE THE SPEAKER: It must have been so otherwise there would not have been that order of transfe .

MR. ARUN KUMAR CHANDA: The Hon'ble Minister has not denied the allegations but has tried to take shelter behind the fact that a resolution was not brought on the subject.

THE HON'BLE THE SPEAKER: The difficulty is that the allegations have not been specified. The motion only says certain allegations.

MR. ARUN KUMAR CHANDA: In my opinion it is enough to mention ill-treatment. I was not expected to give a catalogue of the misdeeds.

THE HON'BLE THE SPEAKER: There ought to have been reference to the allegations.

MR. ARUN KUMAR CHANDA: I am very sorry, but I understood ill-treatment to cover all the various charges of misdeeds mentioned in the statement. The subject matter of the motion was that there were certain cruel acts committed by the Superintendent of the Jail, for which we wanted to censure the Government, but if the Government now come forward to say that they have transferred the Superintendent of the Jail, that cannot dispose of my adjournment motion. The allegations of cruelty still stand and transfer in the course of service is no punishment.

THE HON'BLE THE SPEAKER: The grounds for censuring the Government should have been mentioned in order to decide whether they are or were not sufficient to justify the motion.

MR. BAIDYANATH MOOKERJEE: Cannot we hear the allegations ?

MR. ARUN KUMAR CHANDA: This is the statement which was released in the Press by my hon. friend Srijut Purna Chandra Sarma, a member of this Assembly—

Giving a graphic account of the alleged ill-treatment to a political prisoner in Nowgong Jail Srijut Purna Chandra Sarmah, B L., M. L. A., member of the Assam Assembly Congress Party, who is in charge of matters relating to jails, writes from Nowgong (Assam) :—

On 30th October 1937 at about 1 p. m. I was told by a friend in the Bar Library, Nowgong that there were two political prisoners in Nowgong Jail and that they were very cruelly treated some days ago while on hunger-strike. Immediately I went to the jail and there I found the Assistant Jailor in his quarters. On asking him he asked me to avail of the one day left for me to visit the Jail and know all things direct from the prisoners if they wanted to complain. I was further told that there was no longer any hunger-strike and so I informed him then that I would like to see the prisoner on the following Monday, that is, two days afterwards on the 1st November 1937 in the parade and hear complaints in the presence of all attending the parade. I was further told that "B" division was sanctioned by the Government for them.

Accordingly, yesterday I went to the Jail at 9 a. m. but found that the parade was already over and the Superintendent off after having inspected the parade at an unusually early hour. I went to the "B" division prisoners and found they were two. One of them is Babu Ajit Kumar Chakravarty, aged 24 convicted under section 392/120 B, Indian Penal Code in connection with the Kalighat Robbery Case and sentenced to 7 years' imprisonment on 9th August 1934. He was placed in "B" division in the afternoon of 30th October 1937 after I visited the Assistant Jailor. He had been transferred to Nowgong Jail from Tezpur prison on the 13th October, 1937 arriving here on the 14th October 1937 morning. The other "B" division prisoner is Babu Pradyumna Kumar Nag, aged 19, convicted under Section 393/398 and sentenced to imprisonment for two years and a half on the 26th September 1935 in connection with the Salitola Mail Robbery Case. He has been in "B" division from the commencement of his sentence and was transferred to Nowgong Jail from Tezpur on the 11th September 1937. Both of them have lost much of their weight after arrival at Nowgong. The above mentioned Ajit Babu read up to the 3rd year class in a college and comes from Baniachung and the latter who read up to class IX of a High School comes from Nabiganj within Habiganj Subdivision.

On arrival of Ajit Babu at Nowgong Jail on the 14th October 1937 information was given to the Jail-staff that he had been on hunger-strike since the 11th October 1937 and that he would n t have meals here also. On his first presentation before the Superintendent he was rebuked and sneered at by the Superintendent. He was then placed in Cellular confinement in a corner of the Jail compound. Next day, that is on the 15th, a jail alarm, it was alleged was raised and all the prisoners were put in their barracks or were kept out of sight from the Segregation ward. Then Ajit Babu was brought from the cell to the ward where he found the Superintendent with other jail-staff, the warders armed with guns and four prisoners ready for command. When Ajit Babu reached the verandah of the ward the Superintendent, it is reported, began abusing him and ordered the sweeper to bring stools which when brought was mixed up with water in a pot under the orders of the Superintendent. Ajit Babu it is stated, was handcuffed backward, his legs tied and he was thrown down on a blanket spread on the floor. The Superintendent, it is further stated sat by him on the floor and threatened to shoot him and then to feed him stools which was kept within reach if he would not yield to have food. On his refusal his mouth was opened forcibly with some instrument, kept wide causing injury to the teeth. Then Ajit Babu was almost unconscious and milk was thrust through the throat with an instrument. Next day he had to be treated by doctor for the injury of the teeth and one tooth is still giving him pain. Next day the Superintendent again abused him in most filthy language and used obscene words. Of course he has been taking food since then.

On getting this report from Ajit Babu and having corroboration from Pradyumna Babu on matters he saw from the female ward where he was confined I reported the matter to the public of the town in a meeting held for the purpose in the premises of the Bar Library under the presidentship of Srijut Motiram Borah, M.A., B. L. and a telegram was sent to the Government praying for an enquiry into the allegations made in my petition of complaint sent to the Hon'ble Minister for Jails. A telegram was a so sent to the Press for information of the public.

The three days allowed to me to visit the jail are exhausted. I shall not be in a position to know what happens afterwards but I have asked other visitors appointed by the Government who can visit the jail any number of times to see what happens after this. It is no unusual to find prisoners punished on some pretext or other after they report against the officers. In this case I am satisfied that the behaviour of the Jailors and the subordinate staff is not at all improper and the said prisoners had absolutely no complaint against any of them.

There was a volume of questions in the last budget session of the Assam Legislative Assembly about the medical administration in the district of Nowgong under the present Civil Surgeon Babu Ram Taran Sen who is the Superintendent of the Nowgong Jail also. There was considerable criticism about the department under him and the Hon'ble Rev. Nichols-Roy, the Minister in-charge, assured me and another friend of mine of his transfer but nothing has been done yet. Regarding the above allegations by Ajit Babu in the Nowgong jail I am praying for an enquiry because I am satisfied that they are substantially true as I have understood from others.

MR. BAIDYANATH MOOKERJEE: Now, Sir, we want to hear from the Hon'ble Minister in-charge as to what was the charge made by Ajit Babu himself.

THE HON'BLE THE SPEAKER: That does not arise. We are now considering these allegations and the adjournment motion is based on those allegations. What the Hon'ble Minister found in the course of his enquiry does not arise.

MR. BAIDYANATH MOOKERJEE: The Hon'ble Minister said in course of an enquiry he received a written statement from Ajit Babu himself.

THE HON'BLE THE SPEAKER: That is in the course of an enquiry when he went to the jail.

MR. BAIDYANATH MOOKERJEE: I want to know whether it was after he commenced the enquiry or before. And what was the source of his commencing the enquiry, was it the newspaper report or any other report ?

THE HON'BLE THE SPEAKER: I am to decide whether this motion is in order or not.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: May I point out, Sir, that Mr. Sarma himself says that the conduct of the jail staff was not improper but the motion wants to censure the staff also.

MR. ARUN KUMAR CHANDA: Evidently, all these acts were not committed by the jail Superintendent alone. There is the allegation that stools were brought and they must have been brought by some one other than the Superintendent. So the jail staff were also parties to the incidents. But they might have acted so under the orders of the Jail Superintendent.

THE HON'BLE THE SPEAKER: There is some sort of vagueness in it.

MR. ARUN KUMAR CHANDA: I am helpless now.

THE HON'BLE THE SPEAKER: You are relying upon allegations which do not support that part of the motion relating to the jail staff.

MR. ARUN KUMAR CHANDA: I cannot follow.

THE HON'BLE THE SPEAKER: The allegations do not entirely support the adjournment motion as it now stands. The allegations are against the Superintendent and not the staff.

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MR. ARUN KUMAR CHANDA : But the Jail, Superintendent did not, perform all the acts all by himself and all the acts of which we are complaining could not have been committed by him alone. There were other persons besides himself, parties to this incident.

THE HON'BLE THE SPEAKER : If the hon. member will read the allegations again it will be seen that the jail staff have been entirely excluded and even exonerated.

MR. ARUN KUMAR CHANDA : My reading of the situation was this, Sir. In all likelihood—there were other persons besides the Superintendent involved in this incident from the very nature of it. The jail staff might have acted under the orders of the Superintendent of the Jail.

THE HON'BLE THE SPEAKER : Your motion is based on the allegation of MR. Sarma but that allegation does not support the motion as it stands.

MR. ARUN KUMAR CHANDA : It may not literally.

MR. BAIDYANATH MOOKERJEE : Sir, that might be Mr. Sarma's opinion but the adjournment stands on the allegation itself.

THE HON'BLE THE SPEAKER : The motion is "That the House do stand adjourned to discuss a definite matter of urgent public importance, to wit, allegations of ill-treatment on the part of the Superintendent of the Nowgong Jail and the jail staff". But the jail staff stands excluded by the allegations made by Mr. Sarma.

MR. BAIDYANATH MOOKERJEE : It might be his own opinion or some mistake of newspaper.

THE HON'BLE THE SPEAKER : But you are basing your adjournment motion on those allegations and that is my difficulty. You cannot rely on those allegations for one part of your motion and refuse to rely on it for another part.

MR. BAIDYANATH MOOKERJEE : Sir, may we know what your opinion is—whether the work could have been done by the Superintendent alone ?

THE HON'BLE THE SPEAKER : I must deal with it as it stands. If you bring in this report of Mr. Sarma, then it does not support this motion. It excludes the jail staff and does not say that the jail staff was also responsible. When you speak on this adjournment motion and say that you rely on that statement, it is only the Superintendent that would appear to be concerned and not the jail staff.

MR. BAIDYANATH MO)KERJEE : I think, if I remember aright, Sir, that Mr. Sarma has referred to the sweeper also.

SRIJUT DEBESWAR SARMAH : Sir, if I may say a word, the adjournment motion wants to censure the Government for misdeeds namely certain acts that have been mentioned in the statement in that paper. In that statement certain acts are alleged to have been committed and for these alleged actions or misdeeds this motion seeks to censure this Government. As regards the question whether who was responsible for the acts, it is a matter of opinion and Mr. Sarma has stated his view, with which, I submit the censure motion itself has nothing to do.

MR. ARUN KUMAR CHANDA : I have relied on the spirit of that statemen , Sir, may not be the letter of it.

SRIJUT PURNA CHANDRA SARMA : The allegations are different and my opinion is different entirely. And it is the allegation on which the adjournment motion is based.

THE HON'BLE THE SPEAKER : I have heard the hon. member who has tabled this adjournment motion and also the Hon'ble Minister in charge of Jails. The hon. member who has tabl d this motion has read out the allegations from the report of hon. Mr. Purna Chandra Sarma

which was published in the press. It appears from the report that the allegations were directed against the Superintendent of the Jail. The allegations undoubtedly disclose a very cruel treatment on the part of the Superintendent of Jails. But the report seems to exonerate the jail staff. From what the Hon'ble Minister in Charge of Jails has said, it appears that he also made an enquiry into the matter. And although he says that he has transferred the Superintendent of the Jail, he has not said anything as to whether the allegations are found to be true or not. Nor does it appear whether the action taken by him against the Superintendent of the Jail was done for the purpose of pu ishing him. As I have said, the allegations against the Superintendent are very serious., and I think the hon. member who has tabled this motion is quite justified in asking this House to agree to the motion of censure.

In the adjournment motion, as it stands now worded, the Jail staff who, as I have shown appear to be exonerated from any blame, have also been mentioned as being responsible for the ill-treatment alleged. As such the motion is not so accurately worded. But when I see that there are allegations of cruel treatment against the Superintendent, Nowgong Jail, I cannot, by reason of the fact that the Jail staff has also been mentioned in the motion hold that the motion is out of order. The allegations of ill treatment are all recent occurrences and appear to be serious. Therefore I hold this motion and if the hon. member gets leave of the House I shall fix 4 p.m., for the motion to be taken up.

MR. ARUN KUMAR CHANDA: Now I beg leave of the House to move the other motion.

THE HON'BLE THE SPEAKER: The other motion does not come in at all.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Should not the sense of the House be taken ?

THE HON'BLE THE SPEAKER: I have held that the motion is in order. Will the hon. members who are in favour of the motion rise in their seats ?

(The hon. members in favour of the motion rose in their seats.)

THE HON'BLE THE SPEAKER: As more than 20 hon. members have risen in their seats, the mover has the leave of the House. The motion will be taken up at 4 p.m.

CONDOLENCE ON THE DEATH OF LATE BABU KSHIRODE CHANDRA DEB

THE HON'BLE THE SPEAKER : In response to the condolence resolution of this House on the death of the late Babu Kshirode Chandra Deb, *ex*-M.L.A., communicated to his father Babu Satish Chandra Deb, I have received this letter from him, which I shallread before the House :—

"Sir, I was in due receipt of your letter No.11129-L.A., dated the 20th September 1937, and a copy of extracts from the Assembly Proceedings of the 3rd August 1937, on the condolence resolutions on the untimely death of my son, late Kshirode Chandra Deb. I take this opportunity of offering my sincerest thanks and deepest gratitude to the members of the House who were kind enough to speak about my beloved son in such high and glowing terms."

CONDOLENCE MOTION ON THE DEATH OF MR. RAMSAY MACDONALD AND SIR JAGADISH CHANDRA BOSE

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: May I have your permission Mr. Speaker, Sir, to bring to the notice of this House the death of two illustrious personages since we met last. I refer to

the lamentable death of my Professor in the Presidency College, the late Sir Jagadish Chandra Bose, and to the death of the late Mr. Ramsay MacDonald, who was one of the great Statesman of England and who had a very soft heart for India and her aspirations.

Sir, any one who has gone through the newspapers of the last fortnight must have been struck with the spontaneous and overwhelming tributes that have been paid to the memory of the great Sir Jagadish. He was a Scientist of the first order, a philosopher and patriot and one of the most adorable of men. It is but meet and proper that we do show our respect to the great departed who held aloft the banner of Indian culture and genius before the world.

As regards the late Mr. MacDonald, every one who has followed his political career must have been struck with the genuineness of his desire to see India get her place as a dominion of the British Empire, and his last act for India was his masterly Chairmanship in the Joint Parliamentary Committee. He had done much in ushering this constitution under which we meet to-day.

As Leader of the House, I request you, Sir, to ask the hon. members to record their sense of grief at the death of these illustrious parsonages.

SRIJUT GOPINATH BARDOLOI: Sir, on behalf of this portion of this House I beg to associate myself with all that has been said in regard to Sir Jagadish Chandra Bose. It is needless for me to mention the many qualities of head and heart of that great man, his great intellectual height and his great position in the world as a Scientist. India is greatly a loser to-day on account of his death.

As regards Mr. Ramsay MacDonald, we do not desire to associate ourselves with his political activities during the last 7 years of his life. That is a matter of controversy and I do not think it is necessary for us to refer to that to-day. But there is absolutely no doubt that he was a great statesman and that he had a soft heart for India. His great book "India in Awakening" has possibly been read by every student of politics and his association with the Congress movement in earlier part of his life is also well-known. We pay our homage to the departed soul.

MR. F. W. HOCKENHULL: On behalf of my party I wish to express our great sorrow at the death of these two eminent persons, both distinguished in their respective spheres, and I desire that we should be associated with any message that you, Sir, may send to the bereaved families.

THE HON'BLE THE SPEAKER: I also associate myself with what has been said touching on the death of Sir Jagadish Bose and Mr. Ramsay MacDonald. Undoubtedly Sir Jogodish Bose was one of the greatest of Indians who raised India in the estimation of the whole world. He was indeed a world figure and his achievements in the domain of Science singled him out as one of the greatest Scientists of the world. Those who know his life will bear me out that he was really a servant of India in the truest sense of the word. Not only was he a great Scientist of whom India can very legitimately be proud, he was also a true nationalist, in every sense of the term. Although he has died full of years and honours, the loss to India is tremendous and his death has certainly created a void which it will be very difficult to fill.

As to the late Mr. Ramsay MacDonald, he was indeed a lover of India. He thought and wrote a good deal about India and it cannot be denied that he was trying to do much for India; but the environments of English political life handicapped him in the way of doing anything very tangible and great for India; and although he had a great hand in moulding the

present constitution, India certainly did not get from him what she legitimately expected to get. He was undoubtedly a great statesman, and surely his death has removed from this world a prominent figure from the area of world politics.

On behalf of this Hon'ble House I shall send a condolence message to the bereaved families. May we now pay our homage to these two departed great men by standing remaining silent at least for two minutes ?

(All members stood for two minutes)

HIS EXCELLENCY'S MESSAGE REGARDING ALLOTMENT OF DAYS FOR THE DECEMBER SESSION

THE HON'BLE THE SPEAKER : I now read the message of His Excellency the Governor regarding the allotment of days for the present session.

" For the purposes of Section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of rules 17(1), 17(2) (*a*) and 19 o the Assam Legislative Assembly Rules, Part I, I, Robert Niel Reid, hereby appoint the following days for the presentation to the Legislative Assembly of the supplementary statement of expenditure for the year 1937-38 and for the subsequent stages thereof in the Legislative Assembly during its December Session, 1937, namely :—

Monday, the 13th December	...	Presentation of the supplementary Statement of expenditure.
Friday, the 17th December...	...	Voting on the Demands for Supplementary Grants.
Saturday, the 18th December		
Tuesday, the 21st December	...	Placing of the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants.

This order shall be subject to my revision, if necessary, from time to time.

SHILLONG :
The 3rd December 1937,

R. N. REID,
Governor ".

The second order is as follows :—

" In pursuance of Rule 17 of the Assam Legislative Assembly Rules, Part II, I, Robert Niel Reid, hereby allot the following days for private members' business during the December Session of the Assam Legislative Assembly, 1937 :—

Thursday, the 9th December	...	1. Private Members' Bills.
Friday, the 10th December ...	...	2. Private Members' Resolutions (if time permits).
Thursday, the 16th December and Monday, the 20th December	...	
Saturday, the 11th December	...	Private Members' Resolutions.
Monday, the 13th December	...	Private Members' Resolutions (if time permits after disposal of Government business).
Tuesday, the 14th December	...	

This order shall be subject to my revision, if necessary from time to time.

SHILLONG :
The 3rd December 1937.

R. N. REID,
Governor".

STATEMENT OF GOVERNMENT BUSINESS

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: With your permission, Sir, I desire to make a statement about the course of Government business during this session.

2. The Government business which is to be taken up to-day is already shown in the day's agenda, a copy of which has been placed on each members table. I need not detail it again.

3. If the motion for taking into consideration of the Assam Local Boards (Postponement of Elections) Bill, 1937, is accepted by the House to-day, we propose that the Bill be considered clause by clause on the 13th December and then to move that the same be passed.

On the 13th December we also propose to present the Supplementary Statement of Expenditure for 1937-38.

4. On the 14th December we propose to take into consideration the amendments made by the Assam Legislative Council on the Assam Legislative Chambers (Members' Emoluments) Bill,1937.

5. The 17th and 18th December have been fixed for voting on Demands for Supplemen ary Grants for 1937-38. We also propose to present on these dates a Note on the financial situation of the Province with reference to actuals of 1936-37 as compared with the revised for that year.

6. We propose to place the authenticated schedule of authorised expenditure in relation to Supplementary Demands for Grants as the last item on the 21st December.

7. Any unforeseen Government business would be taken up on the 13th, 14th, 17th and 18th after the disposal of Government business allotted for those days by His Excellency the Governor and before the presentation of the authenticated schedule on the 21st.

HIS EXCELLENCY'S ASSENT TO BILLS PASSED BY BOTH CHAMBERS OF THE ASSAM LEGISLATURE

THE HON'BLE THE SPEAKER: Information has been received from the Secretary to His Excellency the Governor of Assam that under the provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bills which were passed by both Chambers of the Assam Legislature during the August-September Session, 1937 of the Assembly and the October session, 1937, of the Council :—

1. The Assam Speaker's Salary Bill, 1937.
2. The Assam Deputy Speaker's Salary Bill, 1937.
3. The Assam Ministers' Salaries Bill, 1937.
4. The Assam President's Salary Bill, 1937.
5. The Assam Deputy President's Salary Bill, 1937.
6. The Assam Court of Wards (Amendment) Bill, 1937.

ASSAM LEGISLATIVE CHAMBERS (MEMBERS' EMOLUMENT) BILL, 1937

The Secretary, Assam Legislative Assembly, read out the following message received from the Assam Legislative Council :—

Sir, the following message has been sent by the Secretary, Assam Legislative Council.

" In pursuance of Rule 105, Part II of the Assam Legislative Council Rules, I am directed to inform you that the Bill to fix the salaries and allowances of Members of the Assam Legislative Chambers, which was passed by the Assam Legislative Assembly at its meeting held on the 1st September 1937, was passed by the Assam Legislative Council at its meeting held on the 30th October, 1937, with the following amendments, namely :—

1. In clause 3, the word "monthly" was deleted and in the same clause for the words " one hundred rupees per mensem " the words " one rupee per annum " were substituted.

2. For clause 4 of the Bill the following was substituted :—

" 4. There shall be paid :—

(*a*) to Members not ordinarily resident at the place at which their attendance is required in connection with their duties as Members—

(*i*) daily allowance at the rate of Rs.10 per diem,

(*ii*) travelling allowance and road mileage allowance at the rates admissible to an ordinary Government servant of the first grade under the Assam Subsidiary Rules :

(*b*) to Members ordinarily resident at the place at which their attendance is required in connection with their duties as Members, daily allowance at the rate of three rupees per diem ".

The Assam Legislative Council requests the concurrence of the Assam Legislative Assembly in the amendments."

Sir, under rule 112 of the Assam Legislative Assembly Rules, I lay on the table the Bill as amended by the Assam Legislative Council.

PRESENTATION OF THE REPORT OF THE LAND REVENUE COMMITTEE

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, I beg to present before the House the* Report of the Land Revenue Committee which was appointed to consider the question of reduction of land revenue to be granted for the year 1937-38. Hon. members will also find on the table a copy of the Resolution embodying the decision of the Government in this respect. We have clearly explained how the order of the Government has to be followed in respect of those districts where deferred enhancement was due this year (1937-38).

SRIJUT SIDDHI NATH SARMA : On a point of order, Sir. Before the Hon'ble Revenue Minister proceeds further with this item of the day's agenda, I rise to a point of order. Is it constitutional on the part of the Revenue Minister to present the report of a Committee which was formed against the wishes of the House and contrary to the resolution passed by the House urging 33 per cent. reduction of land revenue at a flat rate. This is surely unconstitutional and *ultra vires*.

THE HON'BLE THE SPEAKER : You mean that the presentation of the Report is unconstitutional ?

SRIJUT SIDDHI NATH SARMA : In any case, I submit most respectfully that the Hon'ble the Revenue Minister should not be allowed to present the Report without a clear verdict of the House on this point. I want a ruling from the Chair on this point.

THE HON'BLE THE SPEAKER : Has the Hon'ble Minister got to say anything on the point of order raised ?

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*Appendix A.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think my hon. friend is not right in saying that this Committee was appointed against the wishes of the House. In the opening speech I made it clear that Government proposed to appoint a Committee to consider the whole question of reduction of land revenue not only for the year 1937-38, but for subsequent years. This was also repeated at the close of the speech which was delivered. It was generally understood that the reduction should be according to the poverty of the people.

THE HON'BLE THE SPEAKER: The point raised is that the Committee was not appointed by this House. Rather there was a resolution to the effect that the Minister should carry out a reduction to the extent of 33 per cent. Now the point raised is, as the Committee was appointed against that resolution should the Report of the Committee be presented to the House.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That is perfectly constitutional in-as-much as the amendment which was passed by this House was merely a recommendation to the Government, and the Government, instead of acting on its own information and opinion based on such information so far as the proper classification of different classes of agriculturists were concerned, took into confidence some members of this House and those members laid down certain recommendations. In-as-much as it was up to the Government to acquaint this House of the decision of the Government in that matter. Government also had to lay, along with the resolution, the report of the Committee on which the decision was arrived at. As the whole thing related to the burning question of reduction of land revenue, Government came to certain decision; that decision has been embodied in a Resolution which has been published in the *Assam Gazette*. In support of that Resolution, the Report of the Land Revenue Committee has been laid on the table.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir. Whether the reduction will be given according to the spirit of the speech delivered by the Hon'ble Minister or to the words of the resolution as put by the Chair?

THE HON'BLE THE SPEAKER: I think the hon. member will get time to raise this point.

MAULAVI ABDUL MATIN CHAUDHURY: Now that the Report has been submitted to this House will the House be given an opportunity...

THE HON'BLE THE SPEAKER: I shall come to that.

With regard to the point of order raised, I hold that the Government is entitled to present such a report before the House. Of course, the Committee that was appointed was in disregard of the resolution that was passed by this House, recommending a reduction of 33 per cent. of land revenue, and I am not going to say how far that step, *i.e.*, the step of appointing the Committee is consistent with the principle that the Executive is responsible to the Legislature. But when the Government have chosen to decide their own step and form a Committee, the same principle of the Executive being responsible to the Legislative must have naturally dictated to the Government that the Report should be presented before the House so that the House may get an opportunity to record its views on it. The House if it, so chooses, may either accept the Report or reject it.

So, I hold that the Government is now entitled to present the Report, and I again make it clear that when they have chosen to present the Report it would be the duty of Government to give the House an opportunity to consider the Report and find a day for such discussion.

The Assembly then adjourned for lunch till two O'clock.

(After lunch)

SRIJUT GOPINATH BARDOLOI : On a point of information, Sir. What about that Revenue Enquiry Committee ?

THE HON'BLE THE SPEAKER : It is not yet finished.

The Hon'ble Revenue Minister may move his motion.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I beg, Sir, to move that the Assam Good Conduct Prisoners'.....

THE HON'BLE THE SPEAKER : The Hon'ble Minister has not finished presenting his Report. The point of order intervened

SRIJUT GOPI NATH BARDOLOI : On a point of information, Sir. We want to know when it will be possible for Government to have a discussion over this Enquiry Committee Report ?

THE HON'BLE THE SPEAKER : The Hon'ble Revenue Minister will please reply to it

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, any Government day will suit us. I shall inform the Secretary either this evening or tomorrow.

THE HON'BLE THE SPEAKER : This should be done as early as possible.

ASSAM GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE BILL, 1937

THE HON'BLE THE SPEAKER : The Hon'ble Revenue Minister may move his motion.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I beg, Sir, to move that the Assam Good Conduct Prisoners' Probational Release Bill, 1937 be referred to a Select Committee, consisting of the following members :—Minister in charge, Srijut Purna Chandra Sarmah, Srijut Lakhesvar Borooah, Babu Rabindra Nath Aditya, Babu Kalachand Roy, Mr. F. W. Hockenhull, Maulavi Md Amjad Ali, Maulavi Md. Maqbul Hussain Chaudhuri, Maulavi Dewan Md. Ahbab Chaudhuri, Mr. Naba Kumar Dutta.

The gentlemen whose names I have mentioned have given their consent to serve on the Select Committee.

THE HON'BLE THE SPEAKER : How many of them will form the quorum ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Four of them will form the quorum. The hon. members must have seen the opinions which have been received already and printed copies of these opinions have been placed on the table. It will appear from the opinions received that there is a general feeling that such Bill was long over due and that it should be passed as early as possible. Out of about 120 opinions received, only 7 (seven) have expressed dissentient views. I have gone through them and found that the difference of opinion is not so much against the passing of the Bill as against certain provisions of the Bill which they want to modify. The only exception will be found in opinion of Mr. Banerjee, the Additional District Judge of Sylhet, who is opposed to this Bill on principle. The Vice-Chairman of Jorhat Local Board has said that the Bill is superfluous because there is already section 401 of the Criminal Procedure Code under which the Local Government can take any action for the release o the prisoners. There are some views of opposition also from Hills. For instance the Deputy Commiss oner of Khasi a id Jaintia Hills does not like this Bill to be introduced in Khasi and Jaintia Hills. The Deputy Commissioner of Garo Hills has also expressed an opinion t) the same effect. They do not like that this Act should be in force in their districts. Certain points also have been raised as regards the question of security and exclusion of offenders

convicted under certain offence from the operation of this Act and also as regards the extension of the benefit of this law to the habitual prisoners are concerned, I think, Sir, it will be much better to consider all these details in a Select Committee and therefore I commend this motion to the acceptance of the House.

THE HON'BLE THE SPEAKER: The motion moved is that Assam Good Conduct Prisoners' Probational Release Bill, 1937, be referred to a Select Committee consisting of the Minister in-charge, Srijut Purna Chandra Sarma, Srijut Lakhesvar Borooah, Babu Rabindra Nath Adity, Babu Kalachand Roy, Mr. F. W. Hockenhull, Maulavi Md. Amjad Ali, Maulavi Md. Maqbul Hussain Chaudhuri, Maulavi Dewan Md. Ahbab Chaudhuri, Mr. Naba Kumar Dutta. Four members will form the quorum.

Does any member want to speak on this motion ?

MR. F. W. HOCKENHULL: Sir, I would like to point out that Government in forming a select committee is in the habit of inviting members or not inviting them in their private capacity. But in this case, I think, we have little ground for complaint. What I would like to point out is that Government should, at the time of appointing a Select Committee, make a reference to the Party organisation. When there are Party organisations, we want them to be consulted. Surely the pressing necessity is that Government should recognise the Party organisations. We ourselves are serving on the Committees but we think that in spite of Government's selecting the members, the group of organisation might be consulted in the matter.

SRIJUT GOPI NATH BARDOLOI: Sir, as a matter of fact, I had already written to the Hon'ble the Chief Minister in the same line as the one suggested just now by my hon. friend Mr. Hockenhull, *viz.*, that in matters where the co-operation of certain members is concerned the Leader of the Party or Party organisations to which he belongs should be consulted. I further pointed out that the strength of a party in a Committee should be in accordance with its strength in the House. Sir, if party system is to develop it can develop only under such arrangement.

KHAN BAHADUR MAULAVI KERAMATALI: Sir, may I suggest that the name of Miss Mavis Dunn should also be included ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, I accept the name of Miss Mavis Dunn.

RULING OF THE HON'BLE SPEAKER WITH REGARD TO THE FORMATION OF COMMITTEES AFTER CONSULTING THE PARTY ORGANISATIONS

THE HON'BLE THE SPEAKER : I quite appreciate what the hon. leader Mr. Hockenhull and the hon. leader of the opposition Srijut Gopinath Bardoloi said about consulting the party organisations in this House. I think, it will be better to consult the party organisations before the names are put in to from the Select Committee. Of course, Government will fix the number of members that will have to be taken for the Select Committee and after fixing the number, Party Leaders should be asked to supply the names. That will be a very convenient method, I think, and also it will be very helpful in getting these hon. members for a particular Select Committee, who would be specially fitted for it.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Mr. Speaker, Sir. We will be only too glad to accede to the request of the hon. leader of the opposition and of the hon. leader of the planting group, but our difficulties in the past have been that although we have on some

occasions wanted to consult the party leaders but at the time when we were formulating our proposals, they were not available at Shillong and where was not enough time to correspond with them. Another difficulty is that some of the parties are very fluid.....

THE HON'BLE THE SPEAKER : There are noted parties, for instance there is the Congress Party and the European Party and certainly these are solid parties.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I did not mean the Congress party ; they are very solid as "dry ice" (*laughter*) Then there is the European party as well, but as regards the rest, if I get an indication from the Assembly Office of the different parties that have been recognised by that office, with the names of the leaders, henceforth we will attempt to consult the leaders of those parties.

The motion was put and adopted.

ASSAM LOCAL BOARDS (POSTPONEMENT OF ELECTIONS) BILL, 1937

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Mr. Speaker, Sir, I beg to introduce the Assam Local Boards (Postponement of Elections) Bill, 1937. This Bill, Sir, was published in the *Assam Gazette* on the 10th of November, and therefore I do not need to ask for leave to introduce the Bill. I only introduce the Bill.

I beg to move that the Bill be taken into consideration. If this is accepted I intend to take the Bill into consideration clause by clause on the 13th of this month.

THE HON'BLE THE SPEAKER : The Hon'ble Minister says that he will take the Bill into consideration on the 13th. Is he going to postpone the consideration of the Bill till then ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I am moving the motion now but the Bill will be taken into consideration clause by clause on the 13th of this month.

The Statement of Objects and Reasons has already been explained and the object of introducing the Bill is very clear. The first thing I want to point out is this ; that the Local Boards as they are now were constituted in the year 1920 on the basis of the population of the Census of 1911. Since then there has been a great increase of population in the country, and there has been a feeling that these Boards should be reconstituted on the basis of the population of the last census. If that be done, perhaps there will be an increase in the number of members in the Boards. I think that it is desirable that this should be done. Certain sections of the community desire that the number of members should be increased, specially the Muhammadans, because they think that their numbers since 1911 have been increased very much, and therefore some gentlemen have written to us that they want an increase of their numbers in certain Local Board areas, but the Government is not capable of doing that unless they reconstitute the Boards.

The second point is that there is a desire among certain sections of the community that nominations should be done away with. If this be acceded to, it seems only right and reasonable that in place of nominations communal electorates should be introduced, otherwise certain minority communities will never get a chance of being represented on the Local Boards. It is the desire of the Government, if that be the attitude of this Assembly, to extend communal representations to certain communities such as the scheduled

castes and backward tribes. At the present time there are only three sections that can get seats in the Local Boards—the General Constituency, the Muhammadans, and the planting community, but by this Bill communal representation is to be extended to other communities, and we expect that within about a year we may be able to reconstitute the Boards. And if this Bill be passed in this House we intend to introduce a Bill for reconstituting the Boards in the next session of the Assembly—and I think we shall be able to pass the Bill in that session and reconstitute the Boards within about 6 or 7 months from that time. That is the object of introducing the Bill, and I hope the hon. members will support this Bill.

Then again, there are some Indian Planting Members who have made representation to the Government to give them also special seats. It is the intention of the Government that that also should be done ; and all these different communities mentioned should get a share of representation according to the basis that will be brought forward before the House in the Bill that will be introduced in the next session of the Assembly. I, therefore, commend this motion that the Bill be taken into consideration.

SRIJUT DEBESWAR SARMAH: On a point of information, Sir. We understand from what the Hon'ble Minister of Local Self-Government has said that the Bill is to be introduced for reconstituting the boards on a population basis, and the time has been sought to be extended by a year only. Is there any prospect of any census being taken within that period ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The next census will be in the year 1941 I imagine. We shall now have to base it on the census of 1931.

MR. BAIDYANATH MOOKERJEE: It is old enough, Sir.

SRIJUT GOPI NATH BARDOLOI: I do not really rise to oppose the motion. All the same I want to speak a word or two on the points raised by the Hon'ble Minister. The first thing, that has been mentioned is that he wants to increase the number of members of the boards. That is well and good and I believe that in the Bill that we have introduced that point has been kept in view. Secondly he has said that nomination has to be done away with, and evidently, with that, I suppose he proposes to substitute in the place of nomination certain measures by which the minority communities may be represented. I suppose that a sort of reservation for them would satisfy the Hon'ble Minister.

THE HON'BLE THE SPEAKER: At this stage we are only discussing the principles of the Bill.

SRIJUT GOPI NATH BARDOLOI: I am only wanting to know this. We have already introduced a Bill and it may not be necessary to postpone and if the Hon'ble Minister agrees.....

THE HON'BLE THE SPEAKER: But you began by saying that you donot oppose the Bill.

SRIJUT GOPI NATH BARDOLOI: I only want to know whether it could not be done in a shorter period. All these matters can be adequately discussed in the Bill that is already before the House. We were told in the last session that the Government Bill is coming up but no Bill from the Government is before us yet.

THE HON'BLE THE SPEAKER: So what the hon. member wants is to get an assurance from the Government so that the hon. member may decide his line of action on the motion for consideration that has been made.

SRIJUT GOPI NATH BARDOLOI: That is exactly my point. If it is possible I want to have the Bill passed within the next nine months and it is useless to discuss our Bill if the Government Bill is coming earlier. If it is

possible for the Government to co-operate with us, and if the objects now in view of Government would be fulfilled very much early by our Bill we would welcome such co-operation. It is surely not possible to have it done before the next election is coming but surely it is possible to have it done much earlier than the period that he wants namely a year. I therefore wish Government to co-operate with us in passing our Bill.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I have already stated that it will require time to reconstitute the Board to limit the constituencies. That time will be probably eight or nine months. It will not be possible within these months to have any thing done in the matter without extending the life of the present local boards.

As regards the Bill which is already before the House, I might say that it does not cover the principles which we shall have in our Bill to replace nominations. And unless the Bill is newly drafted there is nothing in the present Bill to cover these grounds which our Bill will do. Therefore, Sir, there is a necessity for postponing the elections and then introducing the Bill which will meet these requirements.

BABU HARENDRA NARAYAN CHAUDHURY: I want a straight answer from the Hon'ble Minister whether he wants to hurry the matter or whether he wants to retain the reactionary elements at the helm of local boards as long as he can ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: We want to hurry the matter as quickly as possible. We want to take the members into confidence and discuss these matters with them for the sake of arriving at an acceptable solution.

MR. FAKHRUDDIN ALI AHMED: May we know what the Government have been doing for the last two months to feel that they are really trying to hurry matters.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: We have been doing a lot of things. I cannot detail them here.

SRIJUT GOPI NATH BARDOLOI: We had some sort of an assurance that the Bill is coming this session.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There are certain reasons for not bringing the Bill in this session. We are going to ask the local officers to give us figures and if we can get them in time probably we may be ready with the schedule for reconstituting the board in the next session. But if this will not be forthcoming we have to deal with it by rules under the present Act. We are trying to expedite it as soon as possible.

The motion for consideration was put to the House and carried.

THE HON'BLE THE SPEAKER: This finished to-day's agenda. We have got an adjournment motion that has been fixed for 4 o'clock. I cannot ask the hon. member to move the motion early. Therefore, I have to adjourn the House till 4 o'clock.

ADJOURNMENT MOTION REGARDING ALLEGATIONS OF ILL-TREATMENT ON THE PART OF SUPERINTENDENT OF NOWGONG JAIL TOWARDS BABU AJIT KUMAR CHAKRAVARTY, A POLITICAL PRISONER

THE HON'BLE THE SPEAKER: Mr. Chanda will speak on his motion.

MR. ARUN KUMAR CHANDA: I consider it my duty, Sir, to express my regret to the House for having detained my hon. friends but I had no idea that the matter would come up at any time, Sir, other than that announced. In the introductory speech that I delivered, Sir, I

tried to give a brief outline of the incidents on which this censure motion has been tabled. It is unfortunate that my adjournment motion also includes within its purview the Jail staff who, you have been pleased to hold, were exonerated. But my reading of the statement, which was issued by my friend Mr. Purna Chandra Sarma was that the Jail staff, all combined to ill-treat the prisoner concerned. It may be that the subordinates were acting under the orders of the Superintendent, but still I take it that they were all parties to the incident which occurred in the Nowgong Jail on that date. I am very grateful to you, Sir, that I have been granted an opportunity to bring before the House the facts which have induced me to table this motion.

The statement referred to I have already read out, Sir. It is a statement which has been published in the papers by such a responsible person as a member of this House. Therefore, so far as that statement goes, I do not consider that it is up to me to elucidate it any further, as it is pretty complete. The details of the ill-treatment are revolting, nauseating, and, although the Civil Surgeon might possess many degrees in medicine and surgery, it appears to me that he is devoid of any degree of humanity. It is unbelievable that any decent man in such a high position of trust and responsibility could have so far demeaned himself as to resort to that sort of method in order to induce a hunger-striker to give up his strike. It may be, Sir, that it was a very embarrassing position. I am quite prepared to understand that. But was that the way, Sir, to deal with a man who had gone on hunger strike ?

Sir, I have brought in this motion to censure the Government. Well may the House ask—how is it that the Government are bei g censured for what an officer did in Nowgong ? My submission to the House is this, that if this officer had believed for one moment that the present Government would take a very strong atitude in a matter like this, if he had been allowed to believe that, when he took that sort of step, he was doing something heinous and that no decent Government would forgive him for that, I am sure that he would have thought twice before he had done what he did. Soon after the Andaman prisoners arrived in this country, Sir, they had to go on hunger strike which dragged on for several days, and the House knows in what circumstances the strike terminated. I feel constrained to say, Sir, that these circumstances must have caused a belief in the mind of this Superintendent that he could with some sort of impunity do just as he liked, and he did it. Now, it is up to this House to censure the Government, because under its regime such an inhuman, brutal and callous treatment, was possible to be accorded by a man in high place to a man who is in a helpless condition. It is not playing the game. It is the most unsportsmanlike action that the Superintendent could have taken.

Sir, I do not think that many words are needed to commend such a motion to the House for its acceptance. It is sufficient for us to know that one of us has satisfied himself that there was such an incident. But the Hon'ble Minister has also made the statement that he too felt compelled to remove the offending gentleman from that station to another. I do not know where he has been removed. I hope he has not got a better station for what he did ! These transfers are incidents of Government service and it can never be said by any stretch of the imagination that a transfer in the normal state of affairs is adequate punishment for a man who has been found to have committed this sort of misdeeds. So I hope the House will agree with me in saying that the Government deserve to be censured because of this incident in Nowgong Jail.

After this statement came out in the papers, Sir, what did the Government do ? We are told by the Hon'ble Minister in charge, with some sort of self-complacency, that he visited the Jail and ordered the transfer of the Superintendent concerned. Was Srijut Purna Chandra Sarma, who visited the Jail as a Jail visitor and gained first hand information, called when the Hon'ble Minister visited the Jail ? Did the Hon'ble Minister release any statement publicly that the Government disapprove of such treatment being meted out by the authorities of the Jail to the inmates ? Nothing of the sort. All we know is that in the archives of the Government there is some paper which tells that Dr. so and so has been transferred from this place to that. These transfers are daily taking place. What I am anxious about is that all officers who are placed in positions of trust and responsibility should be made to know that there is a House—a vigilant House, an alert House—which is here to watch them and to call them to account for what they do behind the prison bars. It is up to the Government to create an atmosphere in which it will be and impossible for men in high responsible places to behave in that caddish manner. Sir, I have found no indications that that has been done or that it is going to be done, and therefore, Sir, I have come up before this House with this adjournment motion. I do not want to detain the House any longer. I have already been guilty of lengthening the proceedings of the House and I therefore resume my seat.

THE HON'BLE THE SPEAKER : The motion before the House is :

This Assembly do now adjourn.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, this Government does not yield to anybody, not even to Mr. Chanda the hon. mover of this motion, in their desire to see that human and proper treatment laid down by our regulation is meted out to the prisoners. Myself, Sir, having at some distant past been an inmate of a jail, I remember the resentment which we felt when prison discipline was being very strictly enforced. I can quite imagine that my hon. friend Mr. Chanda being himself in the same category still remembers that resentment. But all of us who have suffered imprisonment for our political belief should try to forget that resentment and to view everything without passion and with some amount of reason. This Government really felt shocked at the statement which was sent to the press and sent to the Government also by my hon. friend Mr. Purna Chandra Sarma and immediately Government directed an inquiry—a careful inquiry—by the Deputy Commissioner himself into this matter, and the Deputy Commissioner not only held that inquiry himself but also took into confidence the non-official visitors and they questioned the complainant as well as other prisoners in the jail. Shortly after that, I took the earliest opportunity to visit Nowgong jail and I also held an inquiry myself, and after making the inquiry I was convinced that the statement which was made to Mr. Sarma by the prisoner himself was rather exaggerated, because the statement which he made before the Deputy Commissioner and the jail visitors and before me and the statement which he has given in writing are very much different from the statement which he had already made to Mr. Sarma.

I think I may explain the position by mentioning to this House that Dr. Ramtaran Sen who is the Superintendent of the Jail and who has risen up to the post of Civil Surgeon from the ordinary rank of Assistant Surgeon had enjoyed, in places where he had visited, the reputation of being a strictly religious pious Hindu. To him the idea that a Brahmin prisoner like Babu Ajit Kumar Chakravarti would starve himself unto death in the precinct of the jail of which he was the Superintendent was rather revolting and shocking and he tried his best to pursuade the prisoner to give up the

hunger strike. He was all the more anxious because soon after the arrival of this prisoner from Tezpur another prisoner named Pradyumna began hunger strike although he had no personal complaint. But Pradyumna had the good sense of giving up the hunger strike that very day. So Dr. Sen tried his best to pursuade the prisoner Ajit Chakravarti also to give up his fast and as a matter of fact he succeeded and the prisoner actually gave up his fast and next day he took milk and other food voluntarily. That is the long and short history of the whole thing.

Now the question is whether Dr. Sen in doing that exceeded his authority. The Government is unable to take any action against him unless it is clearly proved that he had disobeyed the regulations of the Jail Manual and had gone beyond the scope of his authority. Unless that is clearly demonstrated, it is impossible for the Government to take any stringent action against this officer.

I must mention that this question of hunger strike amongst the political prisoners was considered during my predecessor Rai Bahadur Promode Chandra Datta's time and various methods were suggested to deal with such cases. Rai Bahadur Promode Chandra Datta had rejected the punishment of whipping and some years ago issued instructions that Superintendents at their discretion should take all steps to put an end to the hunger strikes and should not leave the hunger strikers to their fate. So the Superintendent was given authority by the previous Government to use his discretion allowed by the Jail Manual and also to see that the man was saved from untimely death. Now, Sir, forced feeding is allowed under the Jail Manual and hunger strike is an offence under section 52 of the Prison Act. He was therefore quite competent to use the force that was necessary to feed this man, and what force was used according to the allegation? The force was that a gag was forced into his mouth and milk was poured. It is not suggested that the milk which was poured into his mouth was poured mixed with any extraneous matter. Then about the allegation which was made by Mr. Sarma that some stool mixed with water was brought to the prisoner and which has been published in the paper. But what the prisoner subsequently stated will be found in his statement which I will read now. It is stated that he heard the Superintendent only ordered somebody to bring stool mixed with water but he does not know whether stool mixed with water was actually brought and he never saw it himself. He made this statement before the Deputy Commissioner and me and also before the jail visitors. I have made very careful enquiry about this allegation and I asked him to name anybody who had seen it but he could not give me any name nor could he point out anybody. The enquiry shows that no stool mixed with water was actually brought to the spot. But the Superintendent who is reputed of being a very pious man had the straight forwardness to admit himself that he threatened the prisoner that he would bring stool if he did not take milk. So it is with best of motive that the Superintendent had taken resort to such intimidation and this had the desired effect. Next morning the prisoner gave up the fast. Now upon this matter if we had directed a judicial enquiry what would have been the result? There are conflicting statements. The statement which the prisoner made before Mr. Sarma is different from that which he gave in writing. Now which one is to be believed? The man if he is put in the witness box will be at once discredited by the magistrate. If this case was sent for judicial enquiry, how the matter would have ended? The matter would have possibly ended in the prosecution of this man, Ajit Kumar Chakravarty, for giving false information or for making a false complaint against an officer of a very high position. That I did not like to subject the prisoner to. So that is

where we stand. The difficulty of the Government is that in the absence of clear and cogent evidence against an officer of respectable position Government cannot possibly take any action against him. But Government thought that the threat which he gave and which he admitted to have given was entirely in a very bad taste. Although his object may be good, although he was guided by the best of motives, the Superintendent of the Jail had no authority to use such expressions to a prisoner and Government have taken a rather drastic action of transferring the Superintendent from that district to a Hill district where an Indian officer ordinarily does not like to go for want of society. That step Government has already taken and this officer is about to retire. He is an elderly man of about 60 years of age and this prisoner being a young man, the Superintendent wanted to exercise a sort of paternal authority in order to persuade him to give up his strike and to take food. That, Sir, is the whole position. In this matter I do not think that the House will feel persuaded at all to censure Government, but I should have expected that the Government would have received some amount of commendation for the prompt action they have taken, and even assuming the statement of the prisoner to be correct, to convey disapproval of the Government for such action by a transfer of the officer from that place.

KHAN BAHADUR MAULAVI KERAMAT ALI: On a point of information, Sir. May I know if stool was actually brought ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No body says that stool was actually brought. The prisoner does not say that stool was actually brought. The prisoner himself says that he did not see any stool being brought. But Dr. Sen had the frankness to say that he had used that threat in order to persuade him to take food.

Sir, this motion also contemplates a censure against the Jail Staff. Those who know the Jailer of the Nowgong Jail, Safiquddin—will admit that he is a sympathetic Jailer, and Mr. Sarma also does not make any allegation against the Jailer or against any of the staff, and the prisoner himself is thankful to the Jail Doctor on whose persuation he voluntarily gave up the fast the next day. There was absolutely nothing to complain against the jail staff. To censure the Jailer along with Dr. Sen would be highly unjustified on the part of this House.

MR. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister read out the written statement of the prisoner ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think it will be better for me to read out the English translation. He gave me a statement in Bengali which has been translated. (*Voices*: Please read out, the statement in Bengali.) Very well ; but if I read out the Bengali statement that will not be understood by the whole House.

The statement is as follows :—

To

The Minister in charge of Prisons, Assam.

(Through the Superintendent of District Jails, Nowgong.)

আমি জেইল সুপারিন্ টণ্ডেণ্টএর বিরুদ্ধে আমার সহিত ill-treatment করার বাবত আপনার নিকট একটি অভিযোগ আনয়ন করিতেছি। আমি গত ১৩ই অক্টোবর তেজপুর জেল হইতে transfer হই এবং এখানে ১৪ই তারিখ আসিয়া পৌছি। পৌছিয়াই আমি declare করি যে I am on hunger strike ; তখন আমাকে cell এ রাখা হয়।

১৫ তারিখ morningএ এপ্‌নর Deputy Commissioner আসেন এবং আমাকে জিজ্ঞাসা করেন যে আমার hunger strikeএর কারণ কি? তখন আমি বলিলাম (1) Release of all political prisoners of Assam, (2) Uniform classification of all political prisoners of Assam not less than the standard of Division II of Bengal, (3) Better treatment and some other special privileges—such as, the study of monthly magazines and reading of weekly newspaper 'আনন্দ বাজার' or 'অমৃত বাজার' etc., to all political prisoners of Assam—এই গুলিই আমার grievances. তিনি (Deputy Commissioner) আমার কথা শুনে চলে গেলেন। তার কিছুক্ষণ পরে Jail Superintendent আমার নিকট আসেন ও বলেন যে "তুমি কেন strike কর? আমরা তোমাকে খাওয়াবই খাওয়াব।" এই বলে তিনি চলে যান। ১৫ তারিখ বৈকালে Convict Warder আমাকে cell থেকে বাহির করে segregation wardএর দিকে নিয়ে আসে। আমি cell থেকে বাহির হয়ে জেলের অবস্থাটা এরূপ দেখতে পেলাম নিম্নে তাহার বর্ণনা দিতেছি—সমস্ত কয়েদী ও হাজতীরা in file বসান রয়েছে এবং প্রত্যেক লোকের মনে এমন একটা আতঙ্কের সৃষ্টি করেছে যে তারা সবাই মনে করতেছিল যেন কোন একটা ভয়ঙ্কর কাণ্ড সংঘটিত হবে। তারপর আরও দেখিতে পাই যে wardersরা with their full equipment জেলের ভিতর সজ্জিত রয়েছে ও একজন warder একটা বন্দুক নিয়ে segregation warderএর কাছে march করতেছে। যেমন alarm হলে জেলের situation হয় ঠিক তেমনি অবস্থার সৃষ্টি হয়েছে। তারপর ঐ segregation wardএর বারান্দায় উঠেছি—যেমনি উঠেছি অমনি Superintendent আমাকে অকথিত ভাষায় মা-বাপকে attack করে গালি দিতে আরম্ভ করেন। যেমন—'শালার পো শালা, শূয়রক বাচ্চা, বদমায়েস, boy hunter, ইত্যাদি'। তার পর আমাকে ঘরের ভিতর নিয়ে যাওয়া হয়; আমি ঘরে গিয়ে দেখি যে মেঝের (floor) উপর একখানা কম্বল বিছানো ও পার্শ্বে কয়েকটা কয়েদী দাঁড়ান আছে। তখন Superintendent এর orderএ জমাদার hand-cuff, leg-cuff নিয়ে আসে ও আমাকে সেই গুলি দিয়া বাঁধা হয় ও ঐ দাঁড়ান কয়েদীগুলা Superintendentএর orderএ আমাকে কম্বলের উপর ফেলে আমার body শুদ্ধ roll করে একটি bundle তৈরী করে ও পার্শ্বস্থ একটি স্থানে রাখে ও ৫।৬ জন লোক আমার শরীর চেপে ধরে ও Superintendent এর orderএ compounder আমার মুখে mouth gag লাগাতে যায়। তখন Superintendent উত্তেজিত হয়ে বললেন যে 'আপনি দেখতেছি মায়া করছেন; এ ভাবে হবে না'—বলে তিনি নিজেই mouth-gag খুব জোরে ঢুকিয়ে দেন এবং মুখটা to the extremity পর্য্যন্ত open করেন। আর ডাক্তার বাবুকে বলেন যে feeding cup দিয়ে মুখে দুধ ঢেলে দেন ও Superintendent নিজে নাক চেপে ধরেন। In the mean time, Superintendent একটা sweeperকে order দেন—'গু নিয়ে আয়, জলের সঙ্গে গুলে নিয়ে আয়, জল দিলে আও, আমি শালাকে গু (stool) খাইয়ে ছাড়ব।' এরকম করে সে দিনকার অভিনয় শেষ করা

হয় ও আমাকে hospitalএ নিয়ে আসা হয়। ১৬ তারিখ সকালে Superintenden ৭ জেইলার ও ডাক্তার আমার কাছে আসেন। তখন Superintendent আবার পূর্ব দিনের মত মা-বাপ তুলে আমাকে অকথিত ভাষায় গালি দেন ও জেইলারকে বলেন—বাঁশ নিয়ে আস এবং cotএর উপর বেঁধে rectal feeding দেওয়া হউক। ডাক্তারকে বলেন যে take the biggest tube ইত্যাদি। তখন ডাক্তার বা আমাকে বুঝালেন যে—আপনিত গালাগালি খাইতেছেনই, আপনার মা-বাপকে কেন এরকম অকথ্য গালাগালি খাওয়াইতেছেন; আপনি strike ভাঙ্গুন—এই বলে তিনি আমাকে নানা ভাবে বুঝাইলেন ও নিজে দুধ আমার মুখে তুলে দিলেন। তখন আমি তিনির অনুরোধে hunger strike break করি। তারপর প্রতিদিন যখন Superintendent daily round জেলে দিতে আসেন তখন আমার সহিত দেখা হইলেই তিনি আমাকে গালাগালি করতেন এবং এক দিন doctorকে বললেন যে আমাকে hospitalএ admission দিয়ে রাখতে—তবে ভবিষ্যতে আর strike করলে দাঁত সবগুলি উপড়িয়ে ফেলে দেব। এবং তিনির দিকে চাইলেই বলতেন যে চোখ কাণা করে দেব, চাও কি ইত্যাদি। তারপর আমি শ্রীযুক্ত পূর্ণচন্দ্র শর্ম্মা, M.L.A., Rai Bahadur বৃন্দাবন গোস্বামী, Deputy Commissioner প্রভৃতিকে নালিশ করিয়াছি। অদ্য ১২ই নবেম্বর পুনরায় আপনার নিকট উপরোক্ত ill-treatment করার জন্য ন্যায় বিচারের প্রত্যাশী হইয়া আবেদন জ্ঞাপন করিতেছি। এবং আপনার নিকট আমার বিনীত অনুরোধ এই যে আপনি অনুগ্রহ পূর্বক যে স্থানে আমার association of political prisoner আছে সেই স্থানে আমাকে transfer করুন। আমার healthও এখানে bad আছে এবং আমার মনে ভয় হইতেছে যে Superintendentপ্রভৃতি আমাকে এখানে repression করতে পারে।"

Sd. AJIT KUMAR CHAKRABARTY,
Political Prisoner, Nowgong Jail.

12th November 1937.

Sir, I will now read the English translation of it. It is as follows:—

"I am bringing a charge of ill-treatment towards me against the Superintendent. I was transferred from Tezpur Jail on the 13th October and I arrived here on the 14th October. On my arrival here I declared that I was on hunger strike, and then I was put in the cell. On the morning of 15th October the Deputy Commissioner saw me and asked me the cause of the hunger strike. I stated the following grievances and demanded (1) the release of all political prisoners of Assam, (2) uniform classification of all political prisoners of Assam not less than the standard of Division II of Bengal and (3) Better treatment and some other special privileges such as the study of monthly magazines and reading of weekly newspapers, "Ananda Bazar", "Amrita Bazar" etc. to all political prisoners of Assam. Deputy Commissioner heard my statement and went away. But the the Superintendent arrived a little while after and asked me why I was on strike and went away saying "we will force you to take food by all means". On the evening of the 15th October, the convict warder took me out of the cell and conducted me towards the segregation ward. I give below a description of the

Jail as I saw it while coming out of the cell. All the prisoners and convicts were seated "in file" and they were in such a great excitement as if something untoward was going to happen. The warders were in full array and one was patrolling near the Segregation Ward with a rifle in hand. The whole Jail wore an appearance as if the "alarm" was given. I then stopped on the verandah of the Segregation Ward and instantly the Superintendent began to abuse me with offensive language attacking my parents—"Shala ko bachha shala", "Suar ko bachha", scoundrel, "boy-hunter", etc. I was then taken inside the house and I saw a blanket spread out on the floor and some convicts standing near by. The Jamadar came with hand cuffs and leg cuffs as ordered by the Superintendent and I was put into those. The convicts then threw me down on the blanket, at the instance of the Superintendent and began to "roll" my body turning it into a bundle and placed it on an adjoining place. Five or six people exerted force on me and the compounder then proceeded to put 'mouth-gag" on my mouth as ordered by the Superintendent. Not pleased with his performance the Superintendent cried out in excitement "I see you take pity on him. That will not do" and then he himself put the "mouth-gag" with tremendous force and opened the month to the widest possible extent. Pressing the nostrils with his own hand the Superintendent asked the Doctor to pour milk in the mouth with the feeding cup and ordered the sweeper as, "bring stool, bring it diluted in water, bring it quickly, I will force 'Shala' to take stool". Thus the scene ended that day and I was taken to the hospital. On the morning of the 16th October the Superintendent, the Jailor and the Doctor came to me again. The Superintendent again abused me with filthy language as on the previous day attacking my parents and asked the Jailor to bring a bamboo and to tie me with the cot and apply "rectal feeding". He asked the Doctor to bring the biggest tube. The Doctor then began to persuade me to give up the hunger strike saying "you are not only pocketing abuses yourself but you are inviting abuses for your parents". He then offered me a cup of milk and at his request and persuation I broke my fast. After that whenever the Superintendent came to the Jail on his daily round he used to abuse me and one day he said to the Doctor that I must give an assurance to the effect that all my teeth would be uprooted if again I took recourse to strike. After that, whenever I looked at the Superintendent he used to say "why do you look like that ? I will take out your eyes.

I have already lodged complaint before Srijut Purna Chandra Sarma, M. L. A., Rai Bahadur Brindaban Goswami and the Deputy Commissioner and to-day again I am submitting this petition before you praying for justice in the matter of the above narrated ill-treatment. I earnestly appeal to you to transfer me to a place where there is an association of political prisoners. I am also not keeping good health here and I am afraid the Superintendent wil take recourse to repression.

Your most obedient people,

AJIT KUMAR CHAKRAVARTY,

Political Prisoner, Nowgong Jail."

So, that is the position, Sir. The stool according to him was not brought up there. After the Superintendent said "bring some stool" the whole thing ended there according to him.

THE HON'BLE THE SPEAKER: The Hon'ble Minister has already taken 27 minutes.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I had to read two statements, Sir. I want to say only a few things more. As I have explained, Sir, that so far as this statement is concerned it is clear from the prisoner's statement that stool was not brought. Of course it is not suggested that stool was mixed with food and secondly the prisoner said that he did not know whether the order of the Superintendent was carried out. There are other allegations, *viz.*, he was handcuffed, legcuffed and thrown into the floor. Of these, Sir, there was absolutely no evidence. If handcuffs or legcuffs are put on anybody, then these things are recorded on prisoner's ticket, but there was no such record on the prisoner's ticket (*Laughter from Congress Benches*). Then, Sir, no sign of handcuffs put in his hand was shown to the Deputy Commissioner, who went to make enquiry. Apart from everything else, Sir, the position is this. If putting of handcuffs were warranted under the rules what could you do but there was no evidence to prove that. What can the Government do ? For what little evidence there was, Government have taken action and punished him. For things not proved we cannot punish anybody even though he may be the Superintendent of a Jail—an officer who is not ordinarily in much popular figure.

Sir, I like to present before the House another side of the picture. This convict, according to Jail record, is known to be of bad character. He has given to the jail authorities in Tezpur and other places all sorts of trouble and he was punished previously for his indiscipline and disobeying the orders of the jail authorities. This is the history behind him.

KHAN BAHADUR MAULAVI KERAMAT ALI: On a point of information, Sir. What offence he was convicted of ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: He was convicted of Kalighat dacoity case. As he was giving trouble in Tezpur he was transferred to Nowgong but immediately on his arrival there he began to persuade the prisoner Pradyumna to go on hunger strike and Pradyumna actully went on hunger strike. Fortunately he gave up the strike after he was persuaded a bit by the Superintendent of the Jail. Then Sir, I should say that he was treated with the utmost possible good terms. Although he was a convict of the Kalighat case, he was all along here as far as I remember. He was not sent to Andamans. He was here nearly for four years as a 'C Division' prisoner, and nothing was heard about him at that time but as soon as we heard all these troubles we inquired and came to know that he was not sent out to Andamans. He was also not classed as a political prisoner in the same sense as the Andamans prisoners have been classed. We however once put him to 'B Division'. He also received the treatment which probably my hon. friend the Leader of the Opposition Party did not while he was a political prisoner and actually suffering for his country.

SRIJUT GOPI NATH BARDOLOI: I did not receive that treatment.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I know. Then, Sir, we gave him all possible attention. We did not put him to any ordinary cell or barrack after the incident but put him to hospital all the time. Sir, as far as I could gather, this prisoner is somewhat of bad temper. He did not like the association of the other 'B Division' prisoners. He wanted to have assoc'ation with whom he called political prisoners.

For creating all these troubles he was transferred from Tezpur to Nowgong. He was living with a Muhammadan prisoner who was unfortunately convicted for offence of cheating. This prisoner Ajit Kumar Chakravarty used to quarrel with the other prisoner, saying that he was convicted of cheating. That Muhammadan prisoner would also retort saying that 'I am guilty of cheating whereas you are guilty of decoity'. So the Jail visitors thought that they should be separated. We have, Sir, in the mean time transferred the Superintendent of the Jail and this prisoner should have now greater peace of mind, and I think, there will be absolutely no trouble so far as this prisoner is concerned. When he has been put to 'B Division' he will practically be given no labour. As regards the question of his association with the other political prisoners, it has not yet been decided

KHAN BAHADUR MAULAVI KERAMAT ALI: May I request the Hon'ble Minister in-charge to place before the House the explanation if any, received from the Civil Surgeon on this matter ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If the hon. member wants I can place before the House the report of the Deputy Commissioner. The Civil Surgeon has not given any written explanation or even if he has given any it is not with me just now.

THE HON'BLE THE SPEAKER: I think, it is not necessary to place the report of the Deputy Commissioner before the House.

SRIJUT OMEO KUMAR DAS: On a point of information, Sir. Will the Hon'ble Minister in charge inform the House that when he was himself roped and handcuffed on the 28th of January 1922 while on transfer to Tezpur Jail whether this fact was entered into his personal ticket ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, Sir, I don't think it could be entered there. I do not know if prisoner Ajit was actually brought under handcuff.

SRIJUT OMEO KUMAR DAS: Has the Hon'ble Minister forgotten it ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Is the hon. member speaking about myself ? I was thinking that he was asking about the prisoner.

SRIJUT OMEO KUMAR DAS: Sir, I was asking, to remember the fact while he was a prisoner himself.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Well Sir, I should like to explain one point. When a prisoner is transferred from one jail to another, the control of the jail authority ceases as soon as he is brought out. He is placed under the Police and it is for the Police Officers to decide whether he should be handcuffed or whether he should be taken without any handcuff. The Jail authorities have nothing to do then about the taking of the prisoners. It is entirely for the Police to decide whether they can trust the prisoner or whether the prisoner should be handcuffed. So the fact of handcuffing outside the prison while under police custody, would not be entered in a jail ticket.

MR. F. W. HOCKENHULL: On a point of information, Sir. Will the Hon'ble Minister in charge inform the House whether he was a political prisoner or not and whether any preferential treatment was accorded to him ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, so far as my own opinion goes he cannot be considered a political prisoner. He was, however, put to 'B Division' because some of the prisoners who were convicted for the same offence were transferred to Andamans where they are said to have got better treatment and therefore this prisoner was also put to 'B Division'.

SRIJUT GOPI NATH BARDOLOI : May we know, Sir, whether those prisoners who were sent to Andamans are not treated as political prisoners ?

THE HON'BLE THE SPEAKER : I think, this question does not arise. We are concerned with a particular prisoner.

SRIJUT PURNA CHANDRA SARMA : Sir, as this subject concerns me most being the man who brought this matter before the public, I feel myself called upon to say a few words with regard to this very important matter. It has just now been discussed before the House whether Srijut Ajit Chakravarty is a political prisoner or not. Sir, my information which I challenge cannot be contradicted even by the present Government is that the old Government treated him as a political prisoner. So also the Police report goes. (*Hear, hear*). I can challenge anybody if he can bring in any other information to show that he is not a political prisoner.

KHAN BAHADUR MAULAVI KERAMAT ALI : May we know the details of the offence which he committed ?

THE HON'BLE THE SPEAKER : That is not necessary.

SRIJUT PURNA CHANDRA SARMA : Whatever may have been his offence, he was treated as a political prisoner. Even those people who were convicted of violence were treated as political prisoners under sections 392 and 120(*b*). So, Sir, regarding that fact there can be no dispute when the Government itself in its report described him as a political prisoner and has placed him in B Division as such.

Now, the Hon'ble Minister has said that there is a variance between the versions as given in the press and the statement made by the prisoner Ajit Kumar Chakravarty. Now, Sir, in this connection I may say that there are some other facts which have not been disclosed but which have come to my notice. On the 30th October when I went to the jail I did not meet the Jailor himself nor even the prisoner because it was lunch time, and so I had to meet the Assistant Jailor in his quarters, and I met some other men also who were concerned with the internal administration of the jail. From them I got the information about this matter, and I then immediately told the Assistant Jailor that I would like to come and get a statement from the prisoner himself in the parade. I was also a prisoner for 3 years and I know that the parade is held between the hours of 8 and 10 usually on Mondays, and therefore I said that I would come on that day. After that I was away for two days in the mofussil. When I returned on Monday morning I went straight to the jail for the purpose of the enquiry at a little after 8·30 a.m. but to my surprise I came to know from the Jailor himself that the Superintendent had already gone ; he had come at about 7 o'clock and had held the parade for about half an hour and had gone. This led me to believe that he had done so only to avoid me ; that when I told the Assistant Jailor on the previous day that I would like to question the prisoner myself at parade on Monday morning he must have intimated this to the Superintendent and so he wanted to avoid me. I then went inside the jail and I got the statement which I sent to the press. I wanted to remark about this in the Visitors' Book, but the Visitors' Book was withheld from me and the Jailor told me that I have no right to make a remark in the Visitors' Book. Secondly, I wanted to see the prisoner's ticket, but this also was refused on the ground that they did not know where it was. So I have no recourse except to bring the matter to the notice of the public and to the notice of the Government. It did not occur to me that the enquiry would be held *ex parte* when it was made on the complaint I had made. I came to know some days afterwards that the Deputy Commissioner had gone there, and also some of the visitors—Rai Bahadur Brindaban Chandra Goswami and Khan Bahadur Nuruddin Ahmad. I enquired of these gentlemen whether they had gone there to enquire about these allegations, and

they told me clearly that they had gone there for their quarterly joint visit of the jail, and that when they went there the matter was reported to them and they also told me that the allegations were found to be substantially correct, and although the prisoner did not actually see the stool having been brought there he had known subsequently from other prisoners that it had been brought there and was there ready at hand for the Superintendent.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : On a point of information, Sir, did the prisoner see that the stool was there ?

SRIJUT PURNA CHANDRA SARMA : No, but he was told by other subsequently that it had been brought there and would have been forced into his mouth if he had not taken the milk. From these facts it will be clear that the Deputy Commissioner and the other visitors did not go there for the purpose of an enquiry into this matter but on their quarterly visit, and it was then that the prisoner made a complaint before the Deputy Commissioner. Some time afterwards when the Hon'ble Minister went to Nowgong I went to see him and asked him if he would like me to accompany him but he said that he thought that I should not accompany him when he went to the Jail, but he told me that he would make a departmental or judicial enquiry. Of course what happened afterwards I do not know. It is for the first time to-day that I have heard from him that some steps have been taken, that the Superintendent has been transferred, but I do not consider that a transfer is a punishment, because the Hon'ble Rev. Nichols-Roy told us long ago that he would be transferred soon. The Hon'ble Minister for Local Self-Government had already decided to transfer him. Instead of sending him to a place where he was not wanted they transferred him to the Garo Hills, but that cannot be considered as a punishment. As it has been admitted by the Government that the facts have been substantially proved I do not see why there should not be a punishment adequate for the purpose. I do not see any paternal affection accorded to the prisoners by the statement made by the Hon'ble Minister. If that sort of paternal affection is shown by all the Superintendents of Jails of course we have nothing to say and we are helpless.

So, Sir, in a serious matter like this when there are such grave allegations brought against an officer of high trust and responsibility like the Civil Surgeon and they are proved to be substantially correct if he is allowed to go scot free, certainly it is only desirable for us to discuss the matter on the floor of this House and bring a censure motion against the Government

BABU RABINDRA NATH ADITYA : Sir, we heard the Hon'ble Minister with close attention and naturally expected that the speech he delivered would be tinged with sympathy and humane feelings or some such expressions of sympathy that befit him in the circumstances narrated here. But I am sorry to find that his speech has been one that can well come from one who is an officer of the jail, who exacts strict discipline and who cares more for strict discipline than human sympathy.

Sir, let me say something about the application that Babu Ajit Kumar Chakravarti has made on the 12th November. I do not know how that application reached the Hon'ble Minister and the Hon'ble Minister has not elucidated that point clearly. We do not know whether that statement made by the prisoner was forced by anybody or it was handed to him direct and I also do not know whether it was handed to the Hon'ble Minister personally at the time of the enquiry. Therefore, these things naturally raise a good deal of suspicion as to the *bona fides* and the voluntariness of the statement. The Hon'ble Minister

might have elucidated that point clearly. The fact remains that after a statement has been made by the prisoner to so many persons and after the matter has been agitated in the press all of a sudden an application has been sent to the Hon'ble Minister. Whatever it may be we find that the Hon'ble Minister is eager for proof as if he went there as a judge inviting evidence from both sides. I should think that it was the business of the Hon'ble Minister to collect evidence and not in a judicial manner to say that there is no proof and thus the object of his visit was frustrated. When he visited the jail it was his duty to gather materials and ascertain facts and to obtain all sorts of information available from all quarters. From his statement I find that he made no enquiry even from Mr. Sarma who first issued a statement in the press and to the Government. When the Minister found that statement of Babu Ajit Kumar Chakravarti at variance with the statement made by Mr. Sarma I think it was only fair to enquire of Mr. Sarma at Nowgong and show him the statement submitted to the Hon'ble Minister. It seems he has not done anything of that sort.

Now, Sir, who is to supply evidence in these cases ? The man is a prisoner. His safety and his personal liberty, everything is in the hands of Government. He is there inside the jail and who will be his witness ? Even if there is some mischief done, who will come to give evidence there ? Inside the jail it is not expected that anyone can go to give evidence. This man's liberty is being restricted and how will he be able to supply evidence ? The speech of the Hon'ble Minister, as I have already said, lacks human sympathy and I think he should not have proceeded there like a judge but he should have gone there in order to ascertain the truth for himself. On the other hand we find that even the meagre expression of his feelings as contained in that petition shows that certain amount of indecent assault has been made by the Jail Superintendent. But we find that the Hon'ble Minister is rather arguing just like a defence Counsel, that there is no evidence and even if there is some evidence the accused must be given the benefit of doubt. That is the crux of the Minister's argument.

Sir, I am not much concerned whether he is treated as a political prisoner or a non-political prisoner. After all, Sir, he is a human being. His liberty and his personal safety is in the hands of the Government and that is the fundamental consideration with me irrespective of the question whether he is a political prisoner, or a dacoit or even a murderer. So, I say that the Hon'ble Minister failed in his duty in this matter. The matter has been agitated in the press and the *Amita Bazar Patrika* has written leading article on this matter. The Minister is perfectly alive to the feeling of the public. In spite of that the measures that he has taken have been very unsatisfactory and quite disappointing.

Well, Sir, the punishment that has been inflicted on the Jail Superintendent is a punishment of transfer to a place where it is said that Indians generally do not like to go. Perhaps it is a healthy station meant for the Europeans. Mr. Chanda has rightly said that transfer is an incidence of service and perhaps this is a transfer to a better and sanitary place and I am not sure whether this really amounts to a punishment.

Again, Sir, it has also been said that the prisoner has made statement not only to Mr Sarma but also to Rai Bahadur B. C. Goswami. The Hon'ble Minister might be under the impression that Mr. Sarma belongs to the Congress Party and has got some jail experience and his

report might, therefore be partial or might be based on personal considerations. Even so, Sir, could he not meet Rai Bahadur B. C. Goswami and ascertain from him why the prisoner is varying his statement after he has given it before Mr. Sarma ? The Minister did not try to ascertain that. So from all these facts and circumstances I say that the Hon'ble Minister did not really do anything to ascertain the truth of the matter.

Another factor is this. The boy has been stated to be a bad character. But I say that he is not as bad as the Hon'ble Minister has depicted him to be. I find that on the subsequent date a mild persuasion from the Jail Doctor succeeded in the boy giving up the hunger strike. There are ways and ways to deal with prisoners. The one adopted by the Jail Superintendent was indeed very provocative while the method of persuasion adopted by the doctor was successful. It is clear that there was no necessity to indulge in abusive language not only against the prisoner but against his parents as well. Is this the sign of paternal care and sympathy ? If it is so, I do not know what is the standard of paternal affection with the Hon'ble Minister . But the very idea contained in the statement of the prisoner is nauseating to human sentiments of decency. But the very ideas that are contained in that statement, I say, are obnoxious to human sentiments of decency.

Sir, the Hon'ble Minister said that under the Jail Code hunger-strike is an offence. I admit that. But does a man resort to hunger-strike for the mere fun of it ? When there is a hunger-strike, certainly there must be some sort of cause behind it. Otherwise a man will not have resorted to it. Now, Sir, this hunger-strike it seems could be dealt with in a milder way and perhaps in a more successful way as has been done by the Jail Doctor. But the methods of the Jail Superintendent are violent and revolting to human sense of decency. So a serious stricture and a severer punishment ought to be inflicted upon this gentleman. A simple transfer from this place to that cannot satisfy the public. The Hon'ble Minister would have been justified if he had held an enquiry with some hon. members of this House or if he had set up an independent tribunal to enquire into the allegations. But he has not done anything. He has not taken either the hon. Mr. Sarma or Mr. Goswami into his confidence and the perfunctory way in which he has done the enquiry cannot satisfy the members of this House. Sir, with these words I support the motion sponsored by my hon. friend Mr. Chanda.

Babu KAMINI KUMAR SEN : On a point of information, Sir. Has the Hon'ble Minister in-charge of Jails anything to do with the posting of Civil Surgeons ? I think it is done by the Medical Department, not by the Department of Jails.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The posting of the Civil Surgeons is done at the advice of the Inspector General of Civil Hospitals who is also Inspector General of Prisons.

Maulavi ABDUL MATIN CHAUDHURY : Sir, a very serious allegation has been made by one hon. member of this House against the Jail authorities at Nowgong, particularly the Superintendent. The Hon'ble Minister relied upon another statement made by the prisoner with regard to the same incident. If we accept the statement that has been made to the Hon'ble Minister by the prisoner, I consider it is a very serious affair. Government also I find do not consider that the Superintendent is free from blame. That is why that, as a punishment, they have transferred him from Nowgong to Garo Hills. But the question is whether the punishment which Government says has given to the officer is adequate to

the offence that he has committed ? The Hon'ble Minister said that the Superintendent of the Jail has not gone beyond the Jail Regulations and that he has not committed any offence for which he should be punished. May I ask the Hon'ble Minister—is it permissible under the Jail Regulations to use filthy language to prisoners of respectable parentage ? (*Hear, hear.*)

I recognise that the Hon'ble Minister took very prompt action in this connection. He himself personally went there. But here in this House complaints have been made that the enquiry that has been made is very perfunctory. Even the hon. member, who brought the case to the notice of Government and the public, was not asked to give his statement. No information was sought from him or the source from which he got the information. I consider that the punishment is inadequate and I consider that this enquiry has been perfunctory. When such serious allegations have been made against a responsible officer of the Government, enquiries should have been more thorough than what has been done. When the Hon'ble Minister replies I should like to have an assurance from him that a more thorough enquiry will be made into this matter in view of the fact that the punishment that has been given is not adequate to the purpose. Unless I get that assurance, I for one will feel compelled to vote for the adjournment motion.

BABU KAMINI KUMAR SEN: Sir, the allegations on which this adjournment motion is based are admittedly serious, and they have been made by no less a person than an hon. member of this House. We therefore naturally expected from a shrewd and astute lawyer like the Hon'ble Minister in charge of Jails that at least a regular and thorough enquiry would be made into those allegations. But Sir, though we are grateful to him for going to the locality, we find that he did not take any steps to hold an enquiry worth the name. He did not even take the explanation of the Civil Surgeon there or make an attempt at least to find out what was the real position. No attempt was made to record evidence from the warders or the convicts who were admittedly present at that time. It is a month and a half since the incident occurred, but we did not know until this morning that the Superintendent has been transferred as a result of these allegations. The enquiry that has been made cannot be said to be an enquiry worth the name and the so-called punishment of the Superintendent is not a punishment at all. Even granting that it is a punishment, it is most inadequate, in view of the grave allegations that have been made even before the Hon'ble Minister himself. On the other hand, Sir, without making a proper enquiry, the Hon'ble Minister took the unusual course of taking a statement from the complainant himself. The complainant had already made a statement to responsible members of this House as well as to non-official visitors. Therefore there was no necessity at all of recording a fresh statement from the convict himself if there was no intention to hold a regular enquiry. The Hon'ble Minister did not care to enquire of the Civil Surgeon or to get a statement from the Superintendent himself, against whom such grave allegations have been made. So, Sir, I consider that the enquiry that has been made into these allegations has been most perfuncto y and the punishment that has been sought to be inflicted on the Superintendent of Nowgong Jail has been most inadequate in consideration of the serious allegations that have been made. With these words, Sir, I beg to support this adjournment motion.

MAULAVI ABDUR RAHMAN: Sir, I feel tempted to associate myself with the proceedings of the motion that has been moved by my hon. friend Mr. Chanda. Of course it has been said that the two allegations are at variance. I do not propose, Sir, to dilate over the matter whether

Mr. Sarma's statement is a true one or that of the Hon'ble Minister. Even if I were to accept the one which the prisoner himself submitted to the Hon'ble Minister, even then, Sir, the allegations made therein ought to fully convince everybody that the treatment meted out is against human nature. I do not propose to pass any stricture on the procedure taken by the Hon'ble Minister. It might be that he did to the best of his capacity. But I must say that the method adopted is not to my satisfaction.

The Hon'ble Minister in charge of Jail has said that the Superintendent of jail is a very religious and pious man. As to the religious show of the man I am fully at one with him, because I personally know Dr. Sen from long before. He had been in our town for about 3 years and I used to see him to take his bath not less than ten times a day. Whenever he used to touch any patient he must not enter his house without taking bath. I was impressed that Dr. Sen might be a very religious man but the allegations that have been made by the prisoner himself, that he took resort to filthy language—all these have changed my opinion of him. It is not at all desirable on the part of a highly enlightened man like him to use such language, to abuse the parents for the fault of the son. After all the parents ought not to have been abused. One thing my hon. friend Khan Bahadur Keramat Ali has tried to enlighten us what kind of prisoner that particular man is. It has been said by my hon. friend Maulavi Abdul Matin Chaudhury that no prisoner, whether he is a political prisoner or a prisoner convicted of most heinous offence, should be maltreated. If there is such a provision in the Jail Manual that a prisoner should be forced or maltreated, it should be rejected. I think this question cannot be talked out here. Whether this particular gentleman is a political prisoner or a prisoner of any heinous offence, he should not have been treated like this. I personally know the prisoner. Because he happened to be a college student—whether for that reason he has been treated as a "B" division prisoner or for his being a political prisoner that I do not know. But my view is that he resorted to hunger strike for the redress of some of his grievances by the authority. Dr. Sen went so far as to order his subordinates to bring stool to administer if he did not break his fast. In all cases I must say that it is against the propriety of common nature, against the general courtesy of people that one should be forced to do an act which he does not like to do. Of course while we read the statement in the paper we were really taken with wonder that even in this twentieth century our prisoners in Assam are subjected to such inhumane treatment.

Sir, I must finish my say by saying a few words more. While I find the sense of the House is that steps already taken by the Hon'ble Minister do not seem to be adequate, I would request the Hon'ble Minister to give this House an assurance that further inquiry will be made into the matter again.

MR. F. W. HOCKENHULL: We have listened with great patience for 1½ hours to the discussion which consists of statements and contradictions. The effect left on my mind is that there is no sufficient evidence about what has actually occurred. I would like to add to what has already been said that the Hon'ble Minister should give us an assurance to the effect that an adequate enquiry would be made. We are not concerned in censuring the Government or avoiding it but we are concerned in that justice would be meted out. We are not unaware of the difficulties attaching to political prisoners ; we are also quite aware of the difficulties of Government officials. We would like to have an impartial inquiry and we would welcome an assurance from the Hon'ble Minister.

SRIJUT GOPI NATH BARDALOI : Till I heard the Hon'ble Revenue Minister reading the statement of the prisoner himself, I was really thinking as to whether I would not advise my friend on the left to withdraw the motion. But after that statement has been .....

MAULAVI NAMWAR ALI BARBHUIYA : On a point of information, Sir. Will the sitting of the House continue during the *Mogrib* prayer ?

THE HON'BLE THE SPEAKER : We are to continue up to half past six. If the House is agreeable I can adjourn the House for 5 or 10 minutes.

KHAN BAHADUR MAULAVI KERAMAT ALI : If it is adjourned it should be adjourned for at least half an hour.

THE HON'BLE THE SPEAKER : What is the time for prayer ?

KHAN BAHADUR MAULAVI KERAMAT ALI : About 5·40½p.m.

THE HON'BLE THE SPEAKER : If it is the desire of the House I can adjourn, but we are already having two adjournments. Will it not be better for the hon. members who are to say prayer to go out and allow the discussion to go on ?

KHAN BAHADUR MAULAVI KERAMAT ALI : I think hon. members only want an assurance to the effect that a further inquiry will be made and they want that assurance from the Hon'ble Minister. So I think it will not take long.

MR. BAIDYANATH MOOKERJEE : How long Mr. Bardaloi will take ?

SRIJUT GOPINATH BARDALOI : Only 5 minutes.

MR. BAIDYANATH MOOKERJEE : I think another 5 minutes will be taken by the Hon'ble Minister and so we can finish.

SRIJUT GOPINATH BARDOLOI : What I was saying just now is that after I heard the statement made by the prisoner, I felt I should not be doing my duty if I did not insist on at least some sort of further enquiry into this matter than what has been done by the Hon'ble Revenue Minister. While I heard much being said about this prisoner being implicated in dacoity and all that, we find that he was a third year student and that he belonged to a respectable family. Clear charges are there against the Jail Superintendent, on the other hand, Sir, we find that no explanation has been obtained from the Jail Superintendent. There is evidence—may not be legal evidence for a Court of law in favour of the charges but there is no rebutting evidence to the contrary as a matter of fact there is nothing else besides these charges before us (Khan Bahadur Keramat Ali—not on oath). Therefore what we find is that there has been certain clear allegation against the Superintendent of Jail. Yet, what has been done by the Hon'ble Revenue Minister is to our mind not at all satisfactory. The House can well understand that this is a matter which was not merely confined within the precincts of the Jail wall ; this has gone outside. There is certain agitation elsewhere. We find Calcutta papers writing editorials on this subject. It was therefore necessary, not merely in the interests of the Superintendent of Jail, but surely in the interests of the Government itself that the enquiry held was in the nature of a public enquiry, and particularly, when one member of this House offered to be in that Enquiry Committee, I think it was the duty of the Hon'ble Minister, to have taken him into that enquiry. Therefore what we now like the Hon'ble Minister to agree to is that there should be a fresh enquiry. I think it would be better if a sufficiently representative number of non-officials is included in that enquiry. I am not one who is going to judge the Superintendent just now, but after facts are elicited, what punishment should be given may be left of course, to the Hon'ble Minister and the Committee of enquiry. I must repeat, Sir, that

the enquiry has been very perfunctory. The enquiry has not been of the nature of a public enquiry. The outside world ought to know what the incident actually was and the finding must come from disinterested persons. That is our position, Sir.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Mr. Speaker, Sir, we have heard the hon. mover and the Hon'ble Minister on the question that is before us. Now let us recapitulate the facts that have been elicited in an impassionate manner. Much has been made about the divergence of the statement made to the hon. House and to the Hon'ble Minister. I do not lay much importance on that. Let us take the statement of the prisoner as the basis of our discussion. The occurrence took place within the jail, and everybody knows that it is not possible to have any independent evidence even if the occurrence had been a true one. So I think in a matter like this much reliance must be placed on the sole statement of the prisoner himself, particularly when there is no rebutting evidence.

Now in that statement we find that the Superintendent of Jail used coercive measures to compel the prisoner to break the fast. The Hon'ble Minister in his statement said that instructions were issued by the old Government to stop such fast. I have yet to know what the actual instructions of the Government were, but I think Government must have instructed the Superintendent not to use coercion but to use persuasion in the matter. In this particular case if we rely on the statement of the prisoner we must say that the Superintendent exceeded his discretion. The matter was left to his discretion and the question is whether he used that discretion judiciously. Apparently he did not do so. I think his conduct is reprehensible. The officer might have been a very pious Hindu or inspired by the very best of motive. But if he was a religious man, he was a religious maniac. He should not have used such abusive language to compel a man to break fast.

The next question comes, whether Government can be censured in this matter or not. Everybody has paid compliment to the Hon'ble Minister for the promptitude with which he took up the matter. He made an enquiry. It has been said that the enquiry was a perfunctory one. It may be. But the Hon'ble Minister has said that he was under the impression that unless judicial evidence is available, no useful purpose will be served by a judicial enquiry. Under that impression he did not pursue the matter further. But knowing the Hon'ble Minister as I do, he has himself had personal experience of Jail life, and we must give him credit for what he has been doing to vindicate the fair name of the Department under his portfolio. There are measures which he has been ushering. He has brought in the Good Conduct Prisoners' Bill ; he has put a stop to *ghani* labour, and the further fact that he has permitted several members of this House to visit Jails in order to suggest ways and remedies for jail reforms—these I think are acts sufficient to credit him with honesty of purpose, with his solicitude for the welfare of the jail population. He might have been wrong in having a perfunctory enquiry, but that I say is not sufficient for censuring the whole Government.

Now, as regards the punishment also, the punishment that has been meted out to that officer does not seem to be adequate because, as the hon. mover has said transfers are effected in the ordinary course in the interest of public service ; transfers are not punishments. From the facts that have come to our notice I think the case demanded more serious punishment. So, we appeal to the Hon'ble Minister that he may take up the matter again and deal with this matter in an adequate manner. We leave it entirely at his hands. But I do not think there is any occasion for censuring the

Government for what they have done and for what they have not done. Now, I would remind the hon. members opposite of one particular statement from the Hon'ble Chief Minister of Bihar at the Patna District Conference. He said on the 4th December probably, that it was the right of every individual to criticise Government, but that criticism should not be antagonistic, that criticism should always be sympathetic. I would ask the hon. members opposite to treat this matter sympathetically.

SRIJUT GOPINATH BARDOLOI: We have been very sympathetic in suggesting merely a public enquiry, instead of a departmental enquiry.

MR. FAKHRUDDIN ALI AHMED: Sir, the matter has now been fully discussed on the floor of this House. The hon. Leader of the Planting Group and a few other speakers have suggested that the Hon'ble Minister should give an undertaking for instituting a Committee of Enquiry, but so far we have not heard from the Hon'ble Minister in charge of Jails what the Government propose to do I think, before we take a definite decision in the matter we should like to hear what the Hon'ble Minister has to say.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: May I speak just a few words, Sir ?

MR. BAIDYANATH MOOKERJEE: Then we shall also speak something and take the time of the House.

THE HON'BLE THE SPEAKER: If this debate is going to be stopped on getting an assurance from the Hon'ble Minister in charge then I think there is no need of speaking. It seems that the whole House is insistent on getting the assurance, and that would, I think, minimise matters.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I suppose that will be done by the Hon'ble Minister in charge, but I want to drop a few points which have not been considered by the House.

Sir, in judging an action we have to consider the motive of the man, the means taken to fulfil that motive and the result of the end in view.....

MR. BAIDYANATH MOOKERJEE: That point has already been considered by the House, Sir.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The question is not whether the officer has been punished enough or not. That is a matter of opinion. We know, Sir, that the motive behind the action of the officer was to save a man's life, and the man's life has been saved, and the parents will no doubt be very thankful to the Superintendent for saving his (the prisoner's) life (*hear, hear*). Sir, sometimes the means adopted may be bad, but they are excused when the end is good. For example a drowning man. If you are going to save him you give him a good hit on the breast, but if that be done to another man in a normal condition the doer will be condemned.

MR BAIDYANATH MOOKERJEE : This adjournment motion can be taken in that manner. The motive behind may be very good.

[Laughter from all sides of the House].

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Then, Sir, another instance a Doctor may give poison to a man to save his life and because his motive is good he is not condemed but if another does so he will be condemned. The motive of this officer was good in that he wanted to save a life and the life has been saved. So the means taken may be excused for the sake of saving a man's life.

MR. ARUN KUMAR CHANDA: Then the political crimes can also be taken in the light, even dacoities and murders.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Surely not. Whether punishment should be given or not is a matter of opinion. When the officer has been taken away from that place and placed in a hill district

where nobody wants to go, when also the gentleman in the prison has been saved from death and when there is no agitation now, I would request this House to consider the question from that angle of vision and not to press the motion.

SRIJUT PURNA CHANDRA SARMA: On a point of information, Sir, did not the Hon'ble Minister assured us of his transfer beforehand ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That is not the question.

[Interruptions from the House].

THE HON'BLE THE SPEAKER: If the hon. members really want to have an assurance from the Hon'ble Minister, and if the Hon'ble Minister does not speak, I cannot compel him to do so. It is now for the hon. mover to exercise his right of reply and then the Hon'ble Minister will be compelled to express his views.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir. I want to know whether the Hon'ble Minister for Local Self-Government stated his own opinion or the opinion of the Government Bench. That will clear the position.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am giving my personal views on the matter. Then, Sir, there is another side of the question. The hon. members have spoken about the ill-treatment of the Medical Officer towards that gentleman, but I say that alleged ill-treatment may be justified on a consideration of the end in view, *i.e.*, saving a man's life it is a blessing in disguise.

THE HON'BLE THE SPEAKER: The Hon'ble Minister is repeating his arguments only.

MR. ARUN KUMAR CHANDA: Sir, my leader has thrown out...

[KHAN BAHADUR MAULAVI KERAMAT ALI: Stood up at the time].

MR. ARUN KUMAR CHANDA: Do you like to speak ? I am already on my legs.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, I beg to be allowed to speak something after him (Mr. Chanda).

THE HON'BLE THE SPEAKER: I can give you a little time now, but I don't know whether he will give way.

KHAN BAHADUR MAULAVI KERAMAT ALI: Shall I be allowed to speak after he has finished ?

THE HON'BLE THE SPEAKER: No, then the Hon'ble Minister will speak. Now, does the hon. member (addressing Mr. Chanda) give way ?

MR. ARUN KUMAR CHANDA: Most definitely not, look at him and look at me. Can I never give way to him ?

As I was submitting, Sir, my leader and my hon. friend Mr. Hockenhull have thrown out a very sporting offer to the Hon'ble Minister in charge of Prisons. We are not wanting the head of the Superintendent of the Jail on a charger. If the Enquiry Committee—if he is pleased to constitute one—holds that the Superintendent's action was justified the Government may honours him with a title or can even raise him to the place of highest eminence. That is not the point. The point is that such facts have been revealed in

the House which would require any sensible and responsible Government, to a lay public anxiety and satisfy public opinion by constituting a committee of Inquiryto go into the matter.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, May I know from the hon. member what kind of Inquiry Committee he proposes ? I would like to have some more details.

MR. ARUN KUMAR CHANDA: My leader has thrown out a hint about the committee. If Government would constitute a committee with which non-officials would also be asked to associate, we would be satisfied because we have horrors of official enquiries. And not without reason, public confidence in the past has on several occasions been very rudely shaken by these official enquiries. That is why my Leader has suggested that there should be a Committee of Inquiry on which we who happen to sit on the opposition bench may also be asked to sit and lend our assistance if we are capable of offering any, to Government in arriving at some truth about the Nowgong Jail incident. If the Hon'ble Minister is pleased to agree to this, I do not suppose that my Leader will expect me to be so vindictive as to press the motion to a division. Personally I do not think that that there could be a more generous suggestion by the Leader of the European group, my Leader and Maulavi Abdul Matin Chaudhuri such as the House has heard. It appears that practically all shades of opinion of the House combine to show that there is a genuine and sincere desire to have the the matter brought to light and to constitute a Committee of Inquiry for that purpose. Therefore Sir, I re-emphasise that if Government are pleased to constitute a Committee of inquiry on the lines suggested by my Leader, then I would very gladly withdraw my adjournment motion.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Mr. Speaker, Sir, I should like to speak on the matter with your permission. Government is thankful to the hon. member for bringing in this adjournment motion which has given us a chance of saying what Government did and what Government thought over the matter. I am obliged to the Leaders of the different groups in this house for suggestion that there should be a further inquiry into the matter. I have carefully gone through the representation that was sent to the Hon'ble Minister in charge of Jails by my hon. friend Srijut Purna Chandra Sarma. There he has made a distinct allegation that stools were brought and mixed with water which was about to be thrust into the mouth of the prisoner but better sense of the Superintendent of Jail prevailed and it was kept apart at a distance of only a yard from the prisoner. I am glad to find, Sir, that he has been good enough to say now that the prisoner himself did not see whether the stools were brought.

SRIJUT DEBESWAR SARMAH: These are matters of details, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is enough time, Sir, and I am not going to talk out the motion. I am just going to help members half way by going into matters of details. There has been a suggestion from three different parties that there should be a Committee of Inquiry. I am simply trying to get an idea why and on what an inquiry is required. I was saying, Sir, that my hon. friend Srijut Purna Chandra Sarma has said in his representation to the Hon'ble Minister in charge that on the prisoner's refusal to desist from hunger strike the

sweepers were ordered to bring stools which was brought and mixed with water. The prisoner was then lying hand-cuffed on the back, his legs tied and four prisoners were engaged to fell him down on a blanket spread on the floor inside the ward. There the Superintendent himself used a weapon with which his mouth was opened and his jaws kept wide and was about to thrust the mixture of stools but better sense prevailing it was kept apart at a distance of only a yard and some milk was thrust in. These are, Sir, very definite allegations. Now my hon. friend has been good enough to say that the prisoner himself did not see that stool was brought. He heard about it at a later stage from somebody else. If these allegations which are mentioned in this petition were correct, then it would be quite natural for the prisoner to have said to my hon. friend Srijut Purna Chandra Sarma that such and such things happened The prisoner himself in his statement which he has given to my hon. colleague does not say that he saw that stool was brought and mixed with water and was about to be thrust into his mouth. As a matter of fact, he does not mention anything about the stool being brought. This is the main charge in the complaint that has been brought forward by Srijut Purna Sarma against the Superintendent of the Jail.

SRIJUT PURNA CHANDRA SARMA: Did I say in my petition of complaint that this statement was made by the prisoner himself ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I could not follow the hon. member.

SRIJUT PURNA CHANDRA SARMA: Was the statement just referred to, stated in my letter to have been made by the prisoner himself.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir. I never said that. Well if the stools had been brought within the room and mixed with water there and the mixture was about to be poured into his mouth then nothing could prevent him from seeing it unless he shut his eyes. However, I am glad to find from the statement of the hon. member just now made that the prisoner did not see the stools. So the main charge which my hon. friend Srijut Purna Chandra Sarma has made in his petition requires no inquiry. The other charge is that the Superintendent of Jail often used bad language, or called the prisoner names.....

SRIJUT PURNA CHANDRA SARMA: And his parents also.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Called the prisoner and his parents names. The Superintendent has got absolutely no right or business to abuse the prisoners or their forefathers.....

SRIJUT GOPINATH BARDOLOI : The charge is that certain people were asked to bring stools and water.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The sweeper is alleged to have been ordered to bring stool but the prisoner himself did not see it.

So, Sir, if we are going to enquire into these subsidiary charges, I mean the use of these abusive language, will it be worth while to have a committee for the purpose when we have been asked times without number to curtail our expenditure. Even then I am prepared to meet my friends half way and would suggest the forming of a committee consisting of my hon. colleague there, my hon. friend the complainant—Srijut Purna Chandra Sarma, the Deputy Commissioner of Nowgong, and the two other Jail Visitors—*viz.*, Rai Bahadur Brindaban Chandra Goswami and Khan Bahadur Nuruddin Ahmed, to enquire into these allegations.....

SRIJUT GOPINATH BARDOLOI: Why not have two M.L.A's. in place of the two Jail Visitors ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I simply suggested these two gentlemen because they are Jail Visitors and they have gone there immediately after the occurrence and had heard what

the prisoner himself had stated before the Deputy Commissioner. However if these names are not acceptable, I would suggest two other names. Let our Deputy Speaker and the hon. member Srijut Mahi Chandra Bora be there instead. If that is acceptable I would suggest that after the session, sometime during or after the Christmas vacation, this committee should make an enquiry into the allegations, and in the meantime the order of transfer of the Jail Superintendent should be countermanded as he is to answer and the enquiry is to be made about his conduct. But I may remind the House that there is a snag in it, and that is that if that officer instead of submitting to this official and non-official enquiry wants a judicial enquiry to be held, we shall have to give him a judicial enquiry and not an enquiry by this committee.....

SRIJUT GOPINATH BARDOLOI : *and another voice* :—We have no objection to that. We must take our chance of that.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Very well, then the transfer of the Superintendent of the Jail will have to be cancelled for the present, and my Hon'ble Colleague will, sometime after the session, make an enquiry into the allegation with the help of this Committee. The scope of this enquiry will be the charges of the prisoner against the Superintendent of the Jail contained in the statement made before Srijut Purna Chandra Sarma and the statement made by him before the Deputy Commissioner.

MR. ARUN KUMAR CHANDA: I am very thankful to the Hon'ble the Chief Minister for kindly agreeing to a committee consisting of members of the House. As I have stated before it is not a spirit of vindictiveness that has actuated me to bring up this matter here but a desire to see purity of administration has prompted me to ask that a searching enquiry should be made into the matter. And now that we have been assured that such an enquiry will be made I ask leave of the House to withdraw my motion.

The motion, with the leave of the House, was withdrawn.

The Assembly was adjourned till 11 a.m., on Thursday, the 9th December 1937.

Shillong,
The 27th December 1937.

A. K. BARUA,
Secretary, Assam Legislative Assembly.

APPENDIX A

PROCEEDINGS OF THE LAND REVENUE ENQUIRY COMMITTEE

———

Formation of the Committee.—This Committee was constituted with the following members in pursuance of an undertaking given by the Government in the last Autumn session of the Assam Legislative Assembly for the purpose of examining and advising about the grant of land revenue reduction to the agriculturists in the Province—

Members

1. The Hon'ble Minister in charge of Revenue.
2. J. A. Dawson, Esq., C.I.E., I.C.S.
3. Khan Bahadur Maulavi Mufizur Rahman, M.L.A.
4. D. Sarma, Esq., B.L., Director of Land Records (*Secretary*).
5. Srijut Dhirsing Deuri, M.L.A.
6. Khan Bahadur Maulavi Keramat Ali, M.L.A.
7. F. W. Hockenhull, Esq., M.L.A.
8. Srijut Jogendra Narayan Mandal, M.L.A.
9. Maulavi Namwar Ali Barbhuiya, M.L.A
10. Srijut Ram Nath Das, M.L.A.
11. Mr. Nabakumar Dutta, M.L.A.
12. Khan Sahib Sayidur Rahman, M.L.A.
13. Khan Bahadur Dewan Eklimur Roza, M.L.A.

1st meeting.—It ought to be noted here that 3 gentlemen of the Congress group who were originally appointed to the Committee having declined to join, three other gentlemen were appointed in their places. The Committee assembled in the Committee room of the Assembly Chamber on Thursday, the 30th September 1937, at 11 a.m. with all the members except Khan Sahib Sayidur Rahman who was unavoidably absent. Mr. A. G. Patton, Revenue Secretary, was also present by special invitation in an advisory capacity.

The scope of the reference.—The Hon'ble Srijut Rohini Kumar Chaudhuri, Revenue Minister, was voted to the Chair. He then explained the scope of the work of the Committee by special reference to different relevant speeches by himself and the other members of the Assembly in its last session in connection with the amended resolution of Khan Sahib Sayidur Rahman for a reduction of 33 per cent. of land revenue from the year 1937-38. He finally concluded by saying that the present matter should be confined only to the year 1937-38 as immediate steps are to be taken to give effect to the undertaking above referred to and then the other question of a thorough enquiry for the purpose of evolving a scheme for relief for future years to the *bona fide* agriculturists will have to be taken up afterwards. He presently asked the Committee to find out a standard by which people paying revenue to a certain extent can be taken as poor for admission to a scheme of a higher percentage of reduction. He further emphasised the fact that the relief should be mainly confined to the agriculturists while others employed in Government service with a monthly pay of say Rs.50 and upwards, professional and business men, etc., should be eliminated. He wanted that reductions should be given in 3 scales, (1) 50 per cent., (2) 33 per cent. and 25 per cent. including the present reductions already in force and the

Committee was to grade the *raiyats* for these different categories. These reductions should be applicable at these rates to those enjoying the existing annas 3 reduction and rateably reduced for the other scales of annas 2 and anna 1 remissions in Cachar, Sylhet and Goalpara.

The Cachar question.—At this stage Maulavi Namwar Ali Barbhuiya pressed the question that there could be no discrimination as regards his district of Cachar ; he said that there was an assurance from the Hon'ble Revenue Minister and also the Hon'ble Chief Minister that they would be treated all alike and no distinction would be made between the poor of the Assam Valley and the poor of Cachar and that there must be a minimum flat reduction of 25 per cent. even for Cachar. The Hon'ble Chairman contended that he had made it perfectly clear in his speeches that this reduction would be rateably and proportionately worked out on the basis of 25 per cent. being available only for those enjoying annas 3 existing reductions. Then a discussion followed and Maulavi Namwar Ali Barbhuiya referred to certain statements of the Hon'ble Revenue Minister and the Hon'ble Chief Minister and contended that the assurance there was unequivocal. Among others Mr. Hockenhull pointed out that it would be extremely inequitable to yield to the position taken up by Mr. Barbhuiya and said now it would entitle the Assam Valley to much higher reductions than even 25 or 33 per cent. The question of reduction in Cachar was then adjourned to be taken up next day.

Next Khan Bahadur Keramat Ali suggested that there should be classification into 3 grades—(*i*) extremely poor, (*ii*) poor and (*iii*) general. After some discussion the meeting adjourned for lunch.

Khan Bahadur Keramat Ali's proposals.—When the Committee re-assembled, Khan Bahadur Keramat Ali put forward the following concrete proposals—

(*i*) Fifty per cent. reduction to the *jotrahin* occupants still in possession of their holdings.
(*ii*) Thirty-three per cent. to those estates paying a revenue of Rs. 12 and under.
(*iii*) Twenty-five per cent. to the rest.

It was also proposed that the above reductions should apply to *khiraj* estates for ordinary cultivation hitherto in enjoyment of annas 3 remissions.

The acceptance of these proposals.—The first suggestion of the Khan Bahadur was accepted : the second one was accepted, Mr. Dawson reserving to himself the right of further considerations after examining the financial implications. The third proposal was also provisionally accepted. There was some further discussion about the applicability of these reductions to town lands but no final decision was arrived at. Srijut Dhirsing Deuri pointed out that the limit of Rs. 12 would exclude the Lalung *pattadars* who hold in group large areas in single *pattas* and pay much higher revenue. The Committee decided to consider this matter next day. Mr. Barbhuiya wanted that the town of Silchar should be included into the reduction scheme as hitherto this town like Gauhati was allowed no reduction whatsoever on account of the fact that those two towns were not resettled areas. Mr. Dawson admitted that in case of Silchar town which had been recently resettled, there was a case for reduction. This question was left for consideration on the following day after consulting the necessary records.

Proviso in the interest of under-tenants.—The Committee decided to make these reductions conditional on the following proviso—

> " Wherever the settlement-holder receives the concession, he is bound to pass all the benefits in similar degree to any tenants that may be holding under him and if in any case it is thought that this has not been done, Government hold themselves at liberty to revoke the concession granted by them to the settlement-holder."

The Committee then adjourned to Friday, the 1st October 1937, at 2 p. m.

2nd meeting.—Next day the Committee reassembled at the appointed time, attended by all the gentlemen including Mr. Patton except Srijut Dhirsing Deuri, the first matter taken up was the Cachar question. Maulavi Namwar Ali Barbhuiya claimed equal treatment for his district. Mr. Hockenhull again pointed out that equal treatment demanded a 12 annas reduction to the Assam Valley if Cachar were to be given annas 4 in place of the existing anna 1.

Cachar proposals.—After a short discussion Khan Bahadur Keramat Ali proposed that the 33 per cent. reduction on estates paying a revenue of Rs.12 and less should be extended to all the plains districts in the province including Cachar and Cachar be given only lower scale of reduction annas 2 in place of anna 1 and the other localities getting now annas 2 be given a 3 annas reduction. This proposal was assented to by Khan Bahadur Mufizur Rahman : Maulavi Namwar Ali Barbhuiya expressed his dissent. The other members did not express themselves one way or the other. When put to the House by the Chairman it was adopted. Both Mr. Dawson and Maulavi Namwar Ali Barbhuiya expressed disagreement but on different grounds.

Financial position.—At this stage Mr. Patton pointed out that these reductions meant an additional loss of land revenue to the extent of 10 lacs, bringing the total figure including the previous annas 3, annas 2 and anna 1 remission to the neighbourhood of about 29 lacs. He said that the Retrenchment Committee which was to explore further sources of income by taxation or otherwise was not going to submit the report before the next year and no help can be expected from it for the next budget which must be made ready within the next 2 or 3 months. He, however, said that so far as the current year is concerned the net loss from this proposal will come to about 2½ lacs, as the revenue collected before the close of the financial year will be about a quarter of the entire demand and this can be met out of the capital heads where sufficient deposits from Provident Fund contributions, etc., will be available ; but unless adequate provisions are made for the next year the province will be faced with a loss of 10 lacs in land revenue ; the province will require a loan of about 32 lacs for repayment of debt to the Government of India and no bank will allow credit unless it finds in the budget some provisions for payment of the debt and a balanced budget.

The Chairman said that the decisions of this Committee will again be examined by Government.

A warning.—Mr Hockenhull pointed out that the Committee was considering not merely the current year but also the succeeding year and the effects of the retrenchments if any were not likely to be felt till the following year and in such circumstances the best course to follow would be to cut the coat according to the cloth and there should be concurrent recommendations to cut down the expenditure *pro rata*.

The Hon'ble Revenue Minister said that the position of the Government was that they would meet the wishes of the House as far as possible.

Further decisions.—Then several other matters were discussed and the following proposals were assented to—

(*a*) For working convenience, the 33 per cent. limit should be expressed as annas 5 in the rupee.

(*b*) In case the deferred enhancements were stopped in the district of Lakhimpur and the town of Nowgong, these present reductions should not be extended to the estates benefited by such stoppage (Mr. N. K. Dutta dissenting so far as Lakhimpur is concerned).

(*c*) The town of Silchar which was recently resettled but previously not admitted into reduction scheme, should not be now admitted into the present benefits, in view of the fact that the deferred enhancements are in force there. (Mr. Barbhuiya dissenting.) The temporarily-settled areas in the Goalpara district should have the same concessions as Cachar except the town of Dhubri and Lakwa mauza.

(*d*) Jaintia Pargana and the Illam estates in Sylhet should have proportionate benefit.

(*e*) The tea gardens classed as uneconomic should be admitted into the benefit of an additional anna 1 reduction where it enjoys now annas 3 and *pro rata* for these enjoying now only annas 2 and anna 1 reductions

Lalung holdings.—The proposal of Srijut Dhirsing Deuri, though absent, for relaxation of the limit of Rs.12 in a *patta* for the second scale of reductions was discussed and held to be impracticable. Khan Bahadur Keramat Ali would however leave this matter to the discretion of the Government.

Srijut Jogendra Narayan Mandal desired that these concessions should be extended even to the tenants of the Wards estates. The Committee expressed inability to take up this matter as it was outside the scope of the present enquiry.

Dissents.—Mr Barbhuiya expressed his disagreement to the reduction proposals as stated above so far as they effected his district. The Committee request the Government to implement these recommendations by making necessary savings in other directions. Mr. Dawson said that he would put in a note of dissent on some points.

Then the Committee dispersed at 4 p.m.

Summary of the recommendations :—

(*i*) All over the plains districts of the province, the previous holder of estates, the settlement of which were annulled for failure to pay the revenue on account of poverty and, who are still in possession should be restored to their previous status with a 50 per cent. reduction in their original revenue ; the outstandings shall be left to the discretion of the Government.

(*ii*) All over the districts above referred to all *Khiraj* estates assessed to a revenue of Rs.12 and less should be allowed a reduction of annas 5 in the rupee irrespective of the fact whether previously they were given annas 3, annas 2 or anna 1 in the rupee.

(*iii*) In regard to other *khiraj* estates paying above Rs.12 as revenue in all the plains districts, the reductions shall be annas 4, annas 3 and annas 2 in place of annas 3, annas 2 and anna 1 respectively except town lands.

(*iv*) There shall be no reduction whatsoever in the local rates.

(*v*) The uneconomic tea gardens shall be eligible for the reductions set out in (*iii*) above.

(*vi*) The concessions in (*iii*) above will be available to all town lands but not the concession in (*ii*) above subject to the proviso below.

(*vii*) The town of Gauhati will as before not be eligible for any benefit and Silchar will also not be so eligible as this town will enjoy the benefits of the deferred enhancements.

(*viii*) The enhanced benefits now laid down in (*ii*) and (*iii*) above will not be extended to the estates in the districts of Lakhimpur and the town of Nowgong in case the effects of the deferred enhancements are stopped there.

(*ix*) The present proposals would be in force only for the year 1937-38.

(*x*) The Government would be entitled to withdraw these benefits from such landlords who would not transmit the same to their tenants.

Notes.—(*a*) The Hon'ble Minister for Revenue reserved to himself the right to reviewing these recommendations in a Government meeting and he does not bind himself by the present proposals.

(*b*) The Committee did not consider the question of any reduction in the Hill districts and left the matter to the discretion of the Government.

Sd. ROHINI KUMAR CHAUDHURI,
Sd. J. A. DAWSON,
(Subject to note of dissent),
Sd. MAFIZUR RAHMAN,
Sd. D. SARMA,
Sd. KERAMAT ALI,
Sd. F. W. HOCKENHULL,
Sd. J. N. MANDAL,
Sd. N. ALI BARBHUIYA,
(Signed subject to the note of dissent submitted),
Sd. R. N. DAS,
Sd. N. K. DATTA.
Sd. KHAN BAHADUR DEWAN EKLIMUR ROZA,

Srijut Dhirsing Deuri was not present on the day this report was signed.

Sd. D. SARMA,

2nd October 1937. *Secretary.*

TO

THE PRESIDENT OF THE LAND REVENUE ADMINISTRATION COMMITTEE HELD IN THE MONTH OF SEPTEMBER AND OCTOBER, 1937.

Sir,

(1) The current resettlement *pattas* of the district of Cachar were issued in 1918 and Preliminary enquiry began in 1910 while the Settlement operation began in 1913 and ended in 1918. From the years 1910 to 1918 prices of agricultural produce were very high especially because of the last Great War during the period and other natural causes then prevailing. The assessment of the district was made in consideration of the prices current then and a such it has been high. Moreover, the aggregate increment sanctioned by the Government was also very high (*i.e.*, near about 33 per cent). The people of the district have been paying their revenue at the enhanced rate since the issue of the *pattas*.

(2) The prices of agricultural produce fell down after the issue of the *pattas*.

(3) The natural calamities such as drought and inundation have begun to visit Cachar more frequently (almost annually) since after the issue of the *pattas*.

(4) The productivity of the lands of Cachar is much less than that of the more recently reclaimed lands of many districts of the Assam Valley.

(5) The lands of Cachar being less fertile and productive comparatively than the lands of the districts of the Assam Valley, cost more in growing crops thereon.

(6) In Cachar outside the Reserved Forests there is no cultivable waste land that has remained unsettled while in almost all the Assam Valley districts there are vast tracts of cultivable waste lands that have remained unsettled and from which the people are deriving benefit and those lands they are not ready to allow the Government to throw open for settlement as they want to keep these lands for their generations to come, hence the incidence of taxation per *bigha*, in the Assam Valley, is higher than that in the Cachar district.

(7) The current resettlement of the Assam Valley districts took place much later and therefore these settlements took place when prices of agricultural produce were lower than those prevalent when the resettlement of Cachar was made and as such the Assam Valley districts were more lightly assessed than the district of Cachar as prices of agricultural produce are made the basis for assessment.

(8) The Assam Valley people began to pay their revenue at the enhanced rate only recently and by allowing them a remission of 3 annas in the rupee they were practically allowed to pay their revenue at a rate assessed about 25 or 30 years ago while the Cachar people were allowed a remission of 1 anna only in the rupee on the assessment made in 1918.

(9) The Resettlement of Jaintia Parganas was made along with the Cachar district but still the people of these parganas were allowed a remission of 2 annas in the rupee.

(10) For the *Ilam* lands of Sylhet district the holders of *Ilam* lands were allowed a remission of 2 annas in the rupee although they are practically paying a very insignificant sum for the permanently-settled areas. Now the people of Jaintia Parganas and the holders of *Ilam* lands in other places of Sylhet district are going to get a remission of 3 annas in the rupee. It is also a known fact that vast area of *Ilam* lands are included within the permanently-settled areas and these lands the Sylhet people are enjoying without paying anything to the coffers of the Government.

(11) The incidence of taxation per acre in the Cachar district within the settled areas is equivalent to incidence of taxation per acre within the settled areas of the Assam Valley districts. So serious injustice was done to Cachar when the district was allowed a remission of one anna in the rupee taking advantage of her deafness and dumbness in the then Council while in case of other temporarily-settled areas the remission allowed was unjustifiably higher.

(12) Before 1930 Revenue Sale was unknown in the district of Cachar and since 1929 every year there remains in Cachar an arrear revenue of about 4 lakhs out of 7 lakhs for ordinary *khiraj* lands for ordinary cultivation. So on an average, realisation does not go beyond 46 per cent. of the total revenue even after application of all kinds of coercive measures of the Revenue Sale has enormously increased since then and prices of lands has tremendously gone down beyond all proportion.

This time when the resolution for reduction of land revenue by 50 per cent. was moved in the Assembly, the mover did neither think nor speak of any distinction between Cachar and any other district.

The mover of the amendment, which was carried in the House moved the amendment for reduction of land revenue by 33 per cent. but he too made no distinction either in his speech or in his amendment between Cachar and any other district.

The mover of the original resolution for reduction of revenue by 50 per cent. and the mover of the amendment for reduction of revenue by 33 per cent. moved their resolution and the amendment respectively for reduction at a flat rate in the case of all alike and made no reservation whatever either in favour of or against Cachar. It is noticeable that this amendment was adopted unanimously, Government not even claiming a division.

When the Hon'ble Revenue Minister spoke upon the matter, he on the first date tried to draw a distinction between Cachar and other districts, I made my protest against it both privately and publicly and I was given a clear understanding by the Ministry on the floor of the House that my district would have equal treatment in the matter of reduction of land revenue and there would be a reduction at a flat rate of 25 and 33 per cent. But now to my utter surprise the Hon'ble Revenue Minister falls back from the statement which he made on the floor of the House and declines to give my district equal benefit of the motion of reduction as carried in the House.

Similarly although Resettlement *pattas* of the Silchar town have been issued and the people are paying revenue at the enhanced rate, they are not going to be given the remission that has been given to the other towns of the Province.

I stand by the amended resolution carried and the clear statement made by the Hon'ble the Chief Minister and the Hon'ble Revenue Minister and ask for an equal reduction of land revenue for my district in terms of the aforesaid resolution.

The paying capacity of the people of my district has gone down very much after the devastating flood of 1929 and this is proved beyond doubt by the amount of agricultural loans remaining unrealised after 7 years' strenuous attempts on the part of the authorities by all kinds of coercive measures and the amount of arrear of land revenue at the close of each year also the Civil Court Sales of immovable property.

The paying capacity of the people of the temporarily-settled districts of the Assam Valley is higher than that of my people and it is proved from the amount of Excise income of the Government although it must be admitted that the indigenous Assamese agriculturists are much less labourious than the Bengali of the other Valley.

I therefore regret very much that I have to write this note of dissent but I am sure I have made myself sufficiently clear how I was compelled by stress of circumstances to adopt this course.

Your obedient servant,

Dated Shillong ;
The 2nd October 1937.

Sd. NAMWAR ALI BARBHUIYA, M.L.A.,
Member of the Land Revenue Committee.

NOTE OF DISSENT

1. I dissent from the recommendations of the Committee as regards the 25 per cent. and the 33 per cent. remission and I suggest that in areas where the existing remission is less than 3 annas in the rupee, these new remissions should be as nearly as possible, in proportion to the existing rates of remission of 2 annas and 1 anna and furthermore as regards the 33 per cent. remission that it should be given only in the case of pattas Rs.8 and under.

2. It seems quite clear from what Hon'ble Minister, Revenue said in his speech at page 5 of the printed extracts from the speeches that the 25 per cent. and 33 per cent. remissions should be in proportion to the existing remissions. It is true that on page 12 Hon'ble Minister, Revenue said that the 25 per cent. reduction should apply to all alike and that poor agriculturists to whichever district they may belong will be treated equally in respect of the 33 per cent. remission. In the course of debates in the Assembly replies made on the spur of the moment to interpellations are often couched in inexact language. With time for reflection they would have been more carefully phrased. In construing such replies, the general context must be referred to. When Hon'ble Minister, Revenue said that the 25 per cent. reduction would apply to all alike what, I take it, he meant was that all, rich and poor, should share in the reduction. When he said that there is no distinction between a poor man of the Assam Valley and a poor man of Cachar, he could hardly have intended to convey that a raiyat in Cachar who paid Rs.12 on a patta was as poor as a raiyat in Sibsagar who paid the same amount. The following is the table of incidence of revenue :—

District	Incidence per settled bigha		Incidence per cropped bigha	
Cachar	8·65		12·20	
Ilam Sylhet ...	6·30		11·75	
Jaintia	6·52		9·42	
Kamrup	14·64		16·34	
Darrang	13·75		16·43	
Nowgong ...	12·74	Average = 14·46	14·56	Average = 17·18
Sibsagar	16·01		19·58	
Lakhimpur ...	15·19		18·99	

This shows that a raiyat in Cachar or Jaintia who holds a patta bearing a given amount of revenue would have far more land and presumably derive considerably more profit than a raiyat— say in Sibsagar—holding a patta with the same revenue. Government resolution No.2984-R., dated the 24th October, 1932 under which remissions were granted for the first time explains why a differentiation was made between the rate of remission in different areas in regard to the 18¾ per cent. remission (3 annas in the rupee). So far as I know, these reasons hold equally good at the present time.

3. As regards the 25 per cent. remission (*i.e.*, 4 annas in the rupee) the Committee proposes that in place of the existing rates of remission of 3, 2 and 1 (annas) the new remissions should be 4, 3 and 2. In other words, there would in different areas be an increase in the rate of remission of 33⅓ per cent., 50 per cent. and 100 per cent. respectively instead of 33⅓ per cent. all round. I can see no justification for this, at least on economic grounds. Nor need there be any practical difficulty in giving effect to the 25 per cent. remission in proportion to the present rates. Take a patta with land revenue of Rs.15. The following table gives the remissions according to the Committee's recommendations and according to present proportionate rates :—

Areas	Present remission	Committee's new remission	Proportionate new remission
	Rs. a. p.	Rs. a. p.	Rs. a. p.
3 anna ...	2 13 0	3 12 0	3 12 0
2 anna ...	1 14 0	2 13 0	2 8 0
1 anna ...	0 15 0	1 14 0	1 4 0

I admit that on a single patta the extra remission may seem petty but it is a different matter when many thousands of pattas are in question. And it has to be remembered that all from the wealthiest land-owners downwards are for 1937-38 to enjoy the benefit of this remission. It is true, of course, that the number of pattas in the temporarily-settled areas of Cachar, Sylhet and Goalpara is relatively small compared with the number in Kamrup, Nowgong, Sibsagar, Darrang and Lakhimpur, but Government cannot afford to make unnecessary sacrifices.

4. My next point is that I think that to allow to estates bearing a revenue of Rs.12 and under the benefit of the 33 per cent. remission is casting the net much too wide. It is impossible to say what proportion of the total pattas this would come to. In 1932 I worked out what property qualification would enfranchise 10 per cent. of the total population. I got tabular statements from the five temporarily-settled districts in the Assam Valley. The figures for Nowgong district were the most complete and on their basis I calculated that a property qualification of Rs.7 or Rs.7-8-0 land revenue would enfranchise 10 per cent. The qualification of Rs.7-8-0 was finally adopted and as a matter of fact it has given the enfranchisement of about 10 per cent. The Nowgong tabular statements are as follows :—

Amount of land revenue	Number of payers (men and women)
Rs. 6 or more but under Rs. 8	14,124
„ 8 „ „ „ 10	9,794
„ 10 „ „ „ 15	14,375
„ 15 and over	17,945

There are no figures of those paying Rs.10 or more but not exceeding Rs.12. But it may be reasonable to take it that two-fifths of 14,375 or 5,750 pay at that rate. Thus we find that out of the total number of persons—56,238—who pay Rs.6 and over, 29,668 pay between Rs.6 and Rs.12,

Thus the Committee's proposal to give 33 per cent. remission may mean that about 53 per cent. of those paying Rs. 6 or over as well as all those paying less than Rs.6 would get the benefit. This is a very high proportion to count as poor agriculturists. For practical reasons the Committee's proposal is to grant the remission on pattas and not on persons, but I do not think the result would be very much different. I suggest that it would be enough if the 33 per cent. remission was given on pattas of Rs.8 and under. This might give the benefit to about 25 per cent. of the pattadars, and mean the saving of a lakh or two.

5. I make a few remarks as regards Cachar.

The representative from Cachar has been insistent that his district should get the full 25 per cent. remission and not on any proportionate basis. The tabular statement given in paragraph 2 should be a sufficient reply to this. He has, among other things, laid stress on the liability of his district to floods but Cachar quickly recovers from the effects of floods as pointed out in Government Resolution No.2984-R. of 24th October 1932. It may happen that remissions have occasionally to be given on account of flood damage. This has got nothing to do with the remissions on account of depression and it has been explained in Government Resolution No.2949-R., dated 9th October 1933 that where local calamities, *e.g.*, in Cachar or Jaintia had aggravated the depression, Government would grant remission or suspension in *addition* to the temporary reductions. The rules for this will be found at pages 180-185, Land Revenue Manual.

As showing the better economic condition of Cachar the following figures of estates sold in the year 1935-36 for arrears of land revenue may be of interest.

Districts	No. of estates	Arrears in respect of which movable property or land was sold
Cachar	29	4,015
Kamrup	656	41,474
Darrang	1,093	23,501
Nowgong	328	11,209
Sibsagar	1,056	36,111
Lakhimpur	211	8,185

For the Assam Valley Districts, 1 Estate in approximately 350 was sold: in Cachar 1 Estate in about 3000. It may be noted that in all districts the sale of many estates is set aside under sections 78A, 79 and 81 of the Assam Land and Revenue Regulation.

Then again, the statements furnished to the Committee show that even with the present remission the collections for Cachar are better than for any other district. For 1936-37 the percentage of total collections (arrears and current) to current demand was 124, appreciably higher than in any other district. The average percentage for the Assam Valley districts, other than Goalpara was 106. The member for Cachar seemed inclined to attribute this to the stricter form of realisation under the Tahsil system. On the relative merits of Tahsils and mauzadars as revenue-collecting agencies a reference is invited to the last sub-paragraph of paragraph 19 of the report of the Commissioner, Assam Valley on the Land Revenue Administration for 1935-36.

Lastly the term of the existing settlement of Cachar expires in March, 1938. Government have decided to postpone the resettlement of Cachar and Jaintia for 5 years. The Special Officer who in last cold weather made the preliminary enquiries came to the conclusion that Cachar could stand an enhancement of 20 per cent. in the revenue demand which would only make the revenue 9 per cent. of the gross assets calculated at the present prices. The limit laid down in section 11 of the Land Revenue Assessment Act of 1936 is that the total revenue assessed on an assessment group shall not exceed 10 per cent. of the gross produce of the group.

6. The report contains the observations of Mr. Patton as to the effect on the finances of the province of the proposed remissions. Unfortunately the Committee had at their disposal few figures to go by except that the remission at 3 annas in the rupee (18¾ per cent.) and at lesser rates in certain districts cost the province approximately 18 lakhs. A remission of 25 per cent. and in certain districts at reduced rates proportionate to the reduced rates at present in force would cost about 24 lakhs. At the rates proposed by the Committee it would cost appreciably more. A remission of 33 per cent. (or 5 annas in the rupee) to every one alike at the present proportionate rates would cost about 30 lakhs which is just the amount of the annual grant recommended by the Niemeyer Award under section 142, Government of India Act, 1935. The total remissions would, however, amount to less than 30 lakhs as the remission at the rate of 33 per cent. will be confined to the poorer agriculturists ; but even then, according to the Committee's recommendation that this remission should be given in full to all *khiraj* estates assessed to a revenue of Rs.12 or less, irrespective of the fact whether they are now given annas 3, annas 2 or anna 1 in the rupee, it is probable that the total remissions recommended for 1937-38 would not fall far short of 28 or 29 lakhs. Obviously this is a situation that cannot continue.

It is indeed difficult to justify these remissions for 1937-38 on economic grounds. The fact remains that the economic condition of the raiyats is improving though very slowly. The better collection figures in the last three years is a proof of this. In the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Cachar and the temporarily-settled areas of Sylhet the percentages of total collection (current and arrears) on current demand are 98, 105 and 109 for the years 1934-35, 1935-36 and 1936-37 respectively. It is true of course that there are still very large arrears of land revenue (and considerable arrears of agricultural loans) and that the increase in the price of rice is so far not very marked. I believe that people have sufficient food though cash is very scarce. The present prospects of the winter crops seem favourable. I doubt if the people are getting much more into the hands of creditors. Owing to the difficulty in realising outstanding loans, the capital of money-lenders is perhaps less than normal : they must be chary in giving out fresh loans owing to the uncertainty of realisations in the prevailing economic conditions and owing to the low price that mortgaged land fetches at the present time : and perhaps to some small extent the restrictions prescribed by the Assam Money Lenders Act on the rate of interest may make them less willing to lend.

7. Apparently it is the intention of Government that there should be another Committee to examine what relief should be given in future years. One of the first things which the Committee will have to tackle is to eliminate from the benefits of any general remission that may be given all those who are in a position to pay the revenue at full rates, though at some cost to themselves. For 1937-38, as was the case in previous years, well-to-do

people—large land-owners, professional and businessmen (I cited some instances in Committee) are getting the benefit. The cardinal principle in granting remissions should be to give them only to persons who are unable to meet the Government demand from their own resources or without great hardship.

One great danger in granting the liberal remissions for 1937-38 on a much more generous scale than for previous years is that while it is the easiest thing in the world to grant remissions, it is extremely difficult to curtail them in future years.

Also it is necessary to keep something in hand for a rainy day. What is to happen if we have extensive floods in districts like Sylhet or Cachar or Nowgong involving according to the rules for suspensions and remissions, large remissions of land revenue, the giving out of agricultural loans, and gratuitous relief on a large scale ?

8. In my note I have dealt with the matter from the point of view of the *Economic necessity* of granting the proposed remissions of land revenue and with my eye on future budgets and on the difficulty there may be of securing a loan through the Reserve Bank to repay our debts to the Government of India if we do not zealously guard our resources. So far as the Committee could gather from the information at its disposal, no other province has been anything like so liberal in land revenue remissions as Assam has been. There may be reasons other than those of economic necessity for the granting of the proposed remissions, but this is outside the scope of the terms of reference to the present Committee.

7th October 1937. J. A. DAWSON.

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR

Extract from the Proceedings of the Governor of Assam in the Revenue Department No.3829-R., dated Shillong, the 22nd November, 1937

RESOLUTION

While the question whether the general temporary reduction of land revenue granted each year since 1932-33 should be continued for 1937-38 was under the consideration of the Government, a non-official resolution recommending 50 per cent. reduction of land revenue payable for kheraj estates was moved at the last Autumn session of the Legislative Assembly. An amendment to substitute "33 per cent." for "50 per cent." was finally passed by the Assembly, but the mover of the amendment to this effect expressed himself in favour of allowing some latitude towards restricting this concession to those who needed it most. In winding up the debate an undertaking was given by the Hon'ble Revenue Minister that a Committee would be constituted to examine and advise the Government about the grant of land revenue reduction to the agriculturists of the Province and how it should be graded according to the poverty of the people. Accordingly a Committee called "the Land Revenue Enquiry Committee" consisting of the Hon'ble Revenue Minister, ten M.L.As., and two expert Revenue officers, assembled on the 30th September and 1st October and submitted their report with recommendations for the reduction of land revenue for the year 1937-38.

The Government after considering the report have decided to accept the majority recommendations of the Committee. In accordance with this decision and to enable the district officers to make necessary preparation before the ensuing collecting season, the following orders are issued to govern the relief to be given to the ryots in the matter of land revenue for the year 1937-38:—

(*i*) All over the plains districts of the province including the plains mauzas of the Garo Hills the previous holders of kheraj estates, the settlement of which was annulled for failure to pay the revenue on account of poverty, and who are still in possession should be restored to their previous status with a 50 per cent. reduction in their original revenue.

(*ii*) All over the districts above referred to all kheraj estates assessed to a revenue of Rs.12 and less should be allowed a reduction of annas 5 in the

rupee irrespective of the fact whether previously they were given annas 3, annas 2 or anna 1 in the rupee.

(*iii*) In the case of other kheraj estates paying above Rs. 12 as revenue in all the plains districts, the reductions shall be annas 4, annas 3 and annas 2 in place of annas 3, annas 2 and anna 1 respectively except town lands.

(*iv*) The concessions in (*iii*) above will be available to all town lands but not the concession in (*ii*) above subject to the proviso below :—

The town of Gauhati will, as before, not be eligible for any benefit and Silchar will also not be so eligible as this town will enjoy the benefits of deferred enhancements.

*(*v*) Where the revenue of an estate is due to be increased this year by the operation of deferred enhancement, save as mentioned in the proviso to (*iv*) above, the maximum benefit to be accorded will be either that given by the concessions noted above or that given by the postponement of deferred enhancement whichever be the greater.

(*vi*) The uneconomic tea gardens shall be eligible for the reductions set out in (*iii*) above.

(*vii*) There shall be no reduction whatsoever in the local rates.

(*viii*) Government reserve the right to withdraw these benefits from such landlords who do not transmit the same to their tenants.

**Note.*—The fifth concession may be more easily followed from examples. In the case of an estate whose normal revenue is Rs.8 but is at present subject to the three anna remission the ryot is paying a revenue of Rs.6-8-0. If that revenue were due to be enhanced by 25 per cent. the resultant revenue would be Rs.10 and if the five anna remission were given (the revenue being below Rs.12) the revenue payable would be Rs.6-14-0. In this case therefore the ryot's enhancement is postponed and he only gets the three anna remission and pays, as before Rs.6-8-0. But if the deferred enhancement had been only Re.1, and the five anna remission made applicable his revenue would be reduced from Rs.6-8-0 to Rs.6-3-0. In this case the deferred enhancement will not be postponed and will take effect as above, as the object of Government is to apply whichever concession will result in a lower revenue.

By order of the Governor of Assam,

A. G. PATTON,

Secretary to the Government of Assam in the Revenue Depart-